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INVESTIGATION OF COMMUNIST ACTIVITIES IN THE
LOS ANGELES, CALIF., AREA—PART 10

HEARINGS
BEFORE THE
COMMITTEE ON UN-AMERICAN ACTIVITIES
HOUSE OF REPRESENTATIVES
EIGHTY-FOURTH CONGRESS
SECOND SESSION

APRIL 20 AND 21, 1956

Printed for the use of the Committee on Un-American Activities

(INCLUDING INDEX)



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COMMITTEE ON UN-AMERICAN ACTIVITIES

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PUBLIC LAW 601, 79TH CONGRESS

The legislation under which the House Committee on Un-American Activities operates is Public Law 601, 79th Congress (1946), chapter 753, 2d session, which provides:

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, * * **

PART 2—RULES OF THE HOUSE OF REPRESENTATIVES

RULE X

SEC. 121. STANDING COMMITTEES

* * * * *

17. Committee on Un-American Activities, to consist of nine members.

RULE XI

POWERS AND DUTIES OF COMMITTEES

* * * * *

(q) (1) Committee on Un-American Activities.

(A) Un-American Activities.

(2) The Committee on Un-American Activities, as a whole or by subcommittee, is authorized to make from time to time investigations of (i) the extent, character, and objects to un-American propaganda activities in the United States, (ii) the diffusion within the United States of subversive and un-American propaganda that is instigated from foreign countries or of a domestic origin and attacks the principle of the form of government as guaranteed by our Constitution, and (iii) all other questions in relation thereto that would aid Congress in any necessary remedial legislation.

The Committee on Un-American Activities shall report to the House (or to the Clerk of the House if the House is not in session) the results of any such investigation, together with such recommendations as it deems advisable.

For the purpose of any such investigation, the Committee on Un-American Activities, or any subcommittee thereof, is authorized to sit and act at such times and places within the United States, whether or not the House is sitting, has recessed, or has adjourned, to hold such hearings, to require the attendance of such witnesses and the production of such books, papers, and documents, and to take such testimony, as it deems necessary. Subpenas may be issued under the signature of the chairman of the committee or any subcommittee, or by any member designated by any such chairman, and may be served by any person designated by any such chairman or member.

RULES ADOPTED BY THE 84TH CONGRESS

House Resolution 5, January 5, 1955

* * * * *

RULE X

1. There shall be elected by the House, at the commencement of each Congress, the following standing committees:

* * * * *

(q) Committee on Un-American Activities, to consist of nine members.

* * * * *

RULE XI

POWERS AND DUTIES OF COMMITTEES

* * * * *

17. Committee on Un-American Activities.

(a) Un-American Activities.

(b) The Committee on Un-American Activities, as a whole or by subcommittee, is authorized to make from time to time, investigations of (1) the extent, character, and objects of un-American propaganda activities in the United States, (2) the diffusion within the United States of subversive and un-American propaganda that is instigated from foreign countries or of a domestic origin and attacks the principle of the form of government as guaranteed by our Constitution, and (3) all other questions in relation thereto that would aid Congress in any necessary remedial legislation.

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INVESTIGATION OF COMMUNIST ACTIVITIES IN THE LOS ANGELES, CALIF., AREA—PART 10

FRIDAY, APRIL 20, 1956

UNITED STATES HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE OF THE
COMMITTEE ON UN-AMERICAN ACTIVITIES,
Los Angeles, Calif.

PUBLIC HEARING

A subcommittee of the Committee on Un-American Activities met at 9:30 a. m., pursuant to recess, in room 518, Federal Building, Los Angeles, Calif., Hon. Morgan M. Moulder (chairman of the subcommittee) presiding.

Committee members present: Representatives Morgan M. Moulder, of Missouri (presiding), Clyde Doyle, of California, Donald L. Jackson, of California, and Gordon H. Scherer, of Ohio.

Staff members present: Frank S. Tavenner, Jr., counsel; William A. Wheeler and Courtney E. Owens, investigators.

Mr. MOULDER. The committee will be in order.

Mr. Tavenner, would you call your first witness.

Mr. TAVENNER. Mr. Thomas W. Nelson.

Mr. MOULDER. Will you hold up your right hand and be sworn.

Do you solemnly swear the testimony which you are about to give will be the truth, the whole truth and nothing but the truth, so help you, God?

Mr. NELSON. I do so affirm.

TESTIMONY OF THOMAS WALFRID NELSON, ACCOMPANIED BY COUNSEL, ROSE S. ROSENBERG

Mr. TAVENNER. Will you state your name, please, sir.

Mr. NELSON. Thomas W. Nelson.

Mr. TAVENNER. Will counsel accompanying the witness please identify herself for the record.

Mrs. ROSENBERG. Rose S. Rosenberg, b-e-r-g.

Mr. TAVENNER. When and where were you born, Mr. Nelson?

Mr. NELSON. I was born February 24, 1913, in Little Rock, Wash.

Mr. TAVENNER. Where do you now reside?

Mr. NELSON. In Long Beach.

Mr. TAVENNER. How long have you resided in Long Beach?

Mr. NELSON. Approximately 4 years.

Mr. TAVENNER. Will you tell the committee, please, what your formal educational training has been.

Mr. NELSON. I have been educated in the public schools of the State of Washington. I was graduated from the Washington schools in

Olympia, Wash. In my grammar school education I was valedictorian of my class. From Olympia High School I was salutatorian of a class of 160 pupils. I have a bachelor's degree from Western College of Education. I have had 1 year of graduate training at the University of Washington.

Mr. TAVENNER. When did you receive your bachelor's degree?

Mr. NELSON. In 1937.

The graduate training at the University of Washington completes my formal education.

Mr. TAVENNER. When did you complete your graduate training?

Mr. NELSON. In 1941.

Mr. TAVENNER. Will you tell the committee, please, what your employment has been since 1941.

Mr. NELSON. I have been employed by the United States Government from 1941 to 1945. I was employed by the United Nations from 1945 to 1947. I have been employed by the United States Government from 1947 to 1949. I have been employed by Los Angeles County in 1949, and I have been employed by the Monrovia-Duarte Evening High School 1949-51.

Mr. TAVENNER. Where is that located?

Mr. NELSON. It is located in Monrovia, Calif.

Mr. TAVENNER. Were you employed as a teacher there? Is that what you mean?

Mr. NELSON. Yes, sir; that is what I mean.

From 1951 to 1952 I was employed by the State of California. In 1952 I was employed by the Arcadia Unified School District. Since 1952 I have been employed by Los Angeles County.

Mr. TAVENNER. Did you mean that your employment between 1951 and 1952 by the State of California was in the teaching profession?

Mr. NELSON. No, sir.

Mr. TAVENNER. What was the nature of that employment?

Mr. NELSON. I was a State parole officer.

Mr. TAVENNER. What has been your employment since 1952?

Mr. NELSON. With Los Angeles County.

Mr. TAVENNER. In what capacity?

Mr. NELSON. A medical social worker.

Mr. TAVENNER. I understood you to say that from 1941 to 1945 you were employed by the United States Government. What was the nature of that employment?

Mr. NELSON. For some months I was employed as a field grant supervisor at Yakima, Wash., where I was assigned to the administration of the Federal grant program administering relief to migratory farm laborers. Later I was promoted to regional grant supervisor, supervising the program throughout the States of Oregon, Washington, and Idaho, with headquarters at Portland, Oreg. When the Department of Agriculture Farm Security Administration program was transferred to the War Food Administration, Office of Labor, I transferred to that agency in 1943, and continued with it until 1945.

Mr. TAVENNER. During that period of time did you have any assignment in the Agriculture Department in Washington, D. C.?

Mr. NELSON. I did not.

Mr. TAVENNER. I believe you said that from 1945 to 1947 you were employed by UNRRA. What was the nature of your employment during that period of time?

Mr. NELSON. I was a welfare officer in the displaced persons program, assigned to the American Zone of Germany.

Mr. TAVENNER. What was the general nature of your duties there?

Mr. NELSON. The general nature of my duties was to set up and supervise the welfare programs for the victims of Nazi terror who were housed in displaced persons' camps as a military measure until until such time as they might be returned to their lands of origin.

Mr. TAVENNER. I believe you told us that from 1947 to 1949 you were again employed by the United States Government. Will you tell us, please, in what capacity?

Mr. NELSON. I was a welfare officer with military government in Japan.

Mr. TAVENNER. Where were you stationed in Japan?

Mr. NELSON. I was stationed at Nagoya, spelled N-a-g-o-y-a.

Mr. TAVENNER. Will you tell the committee, please, the reason for the termination of your services in Japan?

Mr. NELSON. Chairman Moulder, in view of the introductory remark which you made to this group on last Monday, wherein you stated that it was not the intention of this committee to delve into the relationship between employer and employee, I wonder if you would ask Mr. Tavenner to kindly withdraw that question.

Mr. MOULDER. The request is denied.

(The witness confers with his counsel.)

Mr. NELSON. Will you repeat the question, please?

Mr. TAVENNER. Will you read him the question.

(The pending question was read by the reporter.)

Mr. NELSON. I will decline to answer that question on the basis of the first amendment, supplemented by the fifth amendment of the United States Constitution.

Mr. TAVENNER. What was the date of the termination of your services in Japan?

(The witness confers with his counsel.)

Mr. NELSON. In response to the question, I would say that, in my opinion, that question is beyond the area of jurisdiction of this committee as set up by your function, according to my understanding, and I respectfully decline to answer on the basis of the first amendment supplemented by the fifth.

Mr. SCHERER. Do you mean we cannot investigate Communist subversion even in Allied military government?

Mr. NELSON. I don't believe there is anything in the record with regard to that, Mr. Scherer.

Mr. SCHERER. There may be before we get through.

Mr. TAVENNER. Were you released from military service under the provisions of Public Law 808 as a security risk and returned to the United States from Japan?

Mr. NELSON. Mr. Tavenner, I was never in military service. I was classified 2-B because of the essential nature of my work at War Food Administration.

Mr. TAVENNER. You were subject to military authority in Japan, were you not?

Mr. NELSON. I was a civilian employee of the Department of the Army, military government.

Mr. TAVENNER. Yes, but you were subject to military authority while there?

Mr. NELSON. I was.

Mr. TAVENNER. You were? I didn't understand you.

Mr. SCHERER. He said he was; certainly.

Mr. TAVENNER. Very well then. Were you returned to the United States under the provisions of Public Law 808 from Japan as a security risk?

(The witness confers with his counsel.)

Mr. NELSON. I decline to answer that question on the basis of the first amendment supplemented by the fifth.

Mr. SCHERER. Why were you returned?

Mr. NELSON. I decline to answer that question on the basis of the first amendment supplemented by the fifth.

Mr. SCHERER. I ask you direct the witness to answer the question, Mr. Chairman, as to why he was returned.

Mr. MOULDER. As requested by Mr. Scherer, the witness is directed to answer.

Mr. NELSON. I decline to answer the question on the basis of the privileges allowed me under the first amendment, supplemented by the fifth amendment to the Constitution.

Mr. TAVENNER. Public Law 808 provides that, within 30 days after removal, any person shall have opportunity personally to appear before the official designated by the Secretary concerned, and be fully informed of the reasons for such removal, and to submit, within 30 days thereafter, such statements or affidavits or both as he may desire to show why he should be retained and not removed.

Did you resort to that remedy provided by Public Law 808?

Mr. NELSON. Regardless of in which manner this matter is approached, I shall continue to decline to answer.

With respect to this specific question, I decline to answer on the basis of the first amendment supplemented by the fifth.

Mr. TAVENNER. Actually, you did not appeal from the decision removing you, or take any steps to avoid it, did you?

(The witness confers with his counsel.)

Mr. NELSON. I decline to answer that question on the basis of the first amendment supplemented by the fifth.

Mr. TAVENNER. Were you a member of the Communist Party at any time between 1947 and 1949? That was the period you were in Japan.

Mr. NELSON. In response to that question, Mr. Tavenner, I assert that the only purpose of your asking that question is to intimidate me by putting out words such as communism and Communist and subversive with the idea of causing citizens to refrain from attending any sort of meetings or joining any sort of organizations for fear that at some time they may be labeled as subversive or un-American, and, thereby, causing a person to lose his employment.

I think that that is an unjust question to put to me, and I decline to answer on the basis of the first amendment supplemented by the fifth.

Mr. SCHERER. Since you raise the question, I am surprised that and you have been employed by the Government—true, it is State and county and city government—since your dismissal from Japan under the circumstances.

That does interest me.

(The witness confers with his counsel.)

Mr. JACKSON. Do you consider the Communist Party to be an organization which one should feel free to join and with the membership of which one should feel free to associate?

Mr. NELSON. Mr. Jackson, in response to that question, I would repeat that this committee is out of its jurisdiction in view of the fact that the Supreme Court has already told you fellows that you may not investigate where you do not have the right to legislate.

And, since you do not have the right to legislate in the field of associations of citizens, I feel that the question is out of order, and I decline to answer it on the basis of the first amendment supplemented by the fifth.

Mr. JACKSON. Let me say one thing, Mr. Chairman:

If the Congress of the United States, or any of its committees, does not have the right to legislate with respect to Federal employees, or to make inquiry into matters concerning Federal employees, past and present, who are members or have been members of the Communist Party, then there is certainly something very awry as far as the investigating power of the Congress is concerned.

This is one area in which there should be absolutely no question as to the jurisdiction of the Congress.

The Congress would be derelict indeed if it permitted a situation to go unnoticed in which there were past or present members of the Communist Party employed, especially in light of the action of the Congress of the United States in outlawing the Communist Party.

Mr. DOYLE. Did I understand, Mr. Nelson, that you are contending that the Congress of the United States cannot legislate in the field of military, for instance, in Japan or foreign countries, in the American military? Do I understand that is your contention, that that is not in the jurisdiction of the United States Congress?

I so understood. I was quite shocked to hear you say it.

Mr. NELSON. Mr. Chairman, I wonder if you would kindly ask the man to read my answer back to Mr. —

What is the name of the gentleman there?

Mr. DOYLE. You know who I am. I'm Doyle of California.

Mr. NELSON. Thank you.

Mr. MOULDER. Let's proceed.

Mr. DOYLE. No. I want the answer, please, to that. The gentleman wanted his answer read. I think it would be good to have it read.

Mr. MOULDER. As requested by the witness and by Congressman Doyle, will the reporter please read the answer requested.

(Whereupon, the record was read by the reporter, as follows:)

In response to that question, I would repeat that this committee is out of its jurisdiction in view of the fact that the Supreme Court has already told you fellows that you may not investigate where you do not have the right to legislate.

And, since you do not have the right to legislate in the field of associations of citizens, I feel that the question is out of order, and I decline to answer it on the basis of the first amendment supplemented by the fifth.

Mr. DOYLE. I was wondering if the gentleman cared to answer my question, if he still contended that the United States Congress did not have power and jurisdiction to legislate in the field of the American military wherever it was in the world.

I understood the gentleman to say he was subject to American military discipline in Japan.

I am on the Armed Services Committee of Congress, too, and I think we have the power to legislate regarding the American military wherever it is in the world, Mr. Nelson.

Mr. NELSON. I am of the opinion, Mr. Doyle, that by the mere fact that you are a civilian employee of the United States Government you do not lose your civil rights.

I still say that this committee does not have the jurisdiction to probe into my thoughts or my associations. And I decline to answer that question on the basis of the first amendment supplemented by the fifth.

Mr. MOULDER. Proceed, Mr. Tavenner.

Mr. TAVENNER. Prior to your taking a position in Japan, did you prepare an application for Government service in which you set forth your personal history and certain other matters?

Mr. NELSON. I would presume that I did because it is a general routine for Federal employment.

Mr. TAVENNER. Let me hand you a photostatic copy of a so-called application for employment, and ask you to look at the last page and see whether or not the signature appearing at the bottom of it, on the reverse side of that sheet, is your signature?

Mr. MOULDER. Is that the usual Government form? Has it a number, Mr. Tavenner?

Mr. TAVENNER. The number has been covered and I am unable to see it.

(Document handed to counsel for the witness.)

Mr. TAVENNER. It is equivalent to form 57, but I do not believe that it is exactly form 57.

The sheet which I asked the witness to examine is the back page of the document on which his name appears.

Will you examine, please, the signature appearing at the bottom of the last page, and state whether or not it is your signature?

Mr. NELSON. Mr. Tavenner, my employment history has always been commented upon by my various employers.

Mr. TAVENNER. That is not responsive to my question. The question simply was whether or not the signature appearing at the end of the document is your signature.

Mr. NELSON. With respect to this question, I decline to answer on the basis of the first amendment supplemented by the fifth amendment of the Constitution.

Mr. MOULDER. As I recall the question by counsel, you were first asked if you signed an application for employment. Isn't that correct?

Mr. TAVENNER. Yes, sir.

Mr. MOULDER. And the witness answered "Yes" that he probably did, or he assumed that he had signed such application.

Therefore, it is my opinion that you probably have opened the door and waived your right to claim the protection of the first and fifth amendment.

The witness is directed to answer the question.

Mr. NELSON. In response to the direction to answer the question, I respectfully decline to do so, based upon the privilege provided me under the first amendment supplemented by the fifth amendment of the Constitution.

(The witness confers with his counsel.)

Mr. JACKSON. Mr. Nelson, I note on this application also, on the last page, question No. 26:

Do you advocate or have you ever advocated, or are you now or have you ever been a member of any organization that advocates the overthrow of the Government of the United States by force or violence?

(The witness confers with his counsel.)

Mr. JACKSON. And in the column where an answer is required there is an X-mark under "No."

Was that statement a true statement at the time this application was executed?

Mr. NELSON. The record will show that the witness has not identified this document. However, with respect to the question, I will state that at no time have I advocated the overthrow of the Government by force and violence.

Mr. JACKSON. Now the Supreme Court and the Congress have defined the Communist Party as an organization which does, in fact, advocate the overthrow of the Government by force and violence.

Have you at any time been a member of the Communist Party?

Mr. NELSON. I say again that to toss such a word as Communist and Communist Party and force and violence, associated with the name of the witness, is not good.

And I say it is out of line, and I decline to answer on the basis of the first amendment supplemented by the fifth.

Mr. JACKSON. If it is out of line it was entirely out of line, it seems to me, for you to have signed this statement, or indicated on this statement—and I am taking it for granted that this is your application—for you to have indicated that you were never a member of any organization that advocated the overthrow of the Government by force and violence, and now, at this time, decline to state whether you are a member of the Communist Party which has been officially designated by your Government as an organization which does precisely that.

Mr. NELSON. Is that a comment or a question, Mr. Chairman?

Mr. JACKSON. No. That was a comment.

Mr. TAVENNER. Mr. Scherer, will you give me the date, please, of that document?

Mr. SCHERER. August 12, 1947, by Thomas W. Nelson. What is your middle name, sir?

Mr. NELSON. My middle name is Walfrid, spelled W-a-l-f-r-i-d.

Mr. TAVENNER. On the date indicated were you a member of the Communist Party?

Mr. NELSON. The question, as I say again, is an invasion of my rights under the first amendment, in which a citizen is guaranteed freedom from inquiry with respect to his beliefs and associations, and I decline to answer that question on the basis of the first amendment supplemented by the fifth amendment of the Constitution.

Mr. JACKSON. You have no right to belong to the Communist Party. You are speaking in terms that imply that you have a constitutional

right to belong to the Communist Party which has been outlawed by the Government of the United States.

You certainly have no right to belong to what has been judicially described as an international conspiracy.

You have certain rights under the Bill of Rights, but you have no right to enter into a conspiracy any more than you have a right to peddle narcotics. Or more than you have a right to violate any Federal statute.

This business of rights of individuals to do whatever they see fit under any circumstances is a little far-fetched.

Mr. NELSON. The record will not show any organizations to which I may have belonged or any narcotics I may have peddled.

Mr. JACKSON. I have no information on the narcotics.

Mr. TAVENNER. During the period 1945 to 1947 when you were serving the United Nations in Germany were you a member of the Communist Party?

(The witness confers with his counsel.)

Mr. NELSON. In the United Nations we Americans worked alongside of our Allies in an attempt to rehabilitate the damage done by thought control and terroristic measures of the Hitler regime. And I do not, again, feel that you have any right to infringe upon my rights under the first amendment, and I decline to answer the question on the basis of the first amendment supplemented by the fifth amendment of the Constitution.

Mr. SCHERER. Do you consider the Hitler regime any worse or any better than the Communist regime?

(The witness confers with his counsel.)

Mr. NELSON. I have some rather positive opinions about the Hitler regime, based upon my observations there. I actually talked with some of the former concentration camp victims.

Mr. SCHERER. Have you heard about the concentration camps in Russia and Siberia, and persecution of the Jews by the Russians and Communists?

Mr. NELSON. I actually saw some of the bones of Buchenwald, and some of the victims who I am sure would agree with Supreme Court Justice Rutledge when he stated that these folks would certainly have appreciated the worthwhileness of a fifth amendment in their country when they were being harassed by their own government.

Mr. SCHERER. Now answer my question.

Would you consider the Hitler regime any worse or any better—that was my question—than the Communist-Stalin regime which now even the Communists condemn as murderous?

(The witness confers with his counsel.)

Mr. NELSON. In my opinion, the reason why this committee brings out these terms of communism and nazism—

Mr. SCHERER. You brought up nazism.

Mr. NELSON. Is to infer that the witness can be tied in with them. And I would not care to express my opinion on this matter.

Mr. SCHERER. Do you deny at this very moment that while you were working for the United Nations and while you were an employee of the United States Government, in the allied military government in Germany, that you were a member of the Communist conspiracy?

Do you deny that?

Mr. NELSON. I think the record will show that question has already been put and answered.

Mr. SCHERER. Let's answer it again, now. Do you deny it?

(The witness confers with his counsel.)

Mr. NELSON. My record has been a dedication to upholding and defending the rights guaranteed under the American Constitution, both as a schoolteacher where I taught that the Bill of Rights is something that should be used every day and not merely honored on the Fourth of July, and in my work as a social worker where we work on a democratic basis.

Recognizing every individual as important, and his own dignity: he has the right to grow without Government oppression. I feel that my record will stand with anyone's.

Mr. SCHERER. Is that the reason General MacArthur discharged you and sent you back from Japan as a security risk?

Mr. NELSON. That matter has already been handled in the record, has it not, Mr. Chairman?

Mr. SCHERER. Will you answer the question?

Mr. NELSON. I decline to answer this question on the basis of the first amendment supplemented by the fifth.

Mr. SCHERER. Weren't you sent back as a security risk by this Government?

Mr. NELSON. I decline to answer the question on the basis of the first amendment supplemented by the fifth amendment.

Mr. TAVENNER. Your first employment by the Government was between 1941 and 1945, in the State of Washington, was it not?

Mr. NELSON. You are speaking of the Federal Government now?

Mr. TAVENNER. Yes.

Mr. NELSON. That is right.

Mr. TAVENNER. Were you a member of the Communist Party during that period of time while in the State of Washington?

Mr. NELSON. You are approaching the same matter from a different angle, and I would continue to decline to answer that question on the basis of the privilege permitted me under the first amendment supplemented by the fifth amendment of the Constitution.

Mr. TAVENNER. Were you a member of the Communist Party during the period you were teaching school from 1949 to 1951, inclusive?

Mr. NELSON. Mr. Tavenner, I say that a schoolteacher should not be subjected by a congressional committee as to his political opinions.

In my viewpoint, a schoolteacher should be judged on the basis of his competence and his truthfulness in teaching his classes.

Mr. TAVENNER. I take it then that you are of the opinion that a person who is subject to the directives of the Communist Party should be permitted to teach in our public schools?

Mr. NELSON. Is that a question?

Mr. TAVENNER. Yes.

Mr. NELSON. Would you repeat it, please.

Mr. TAVENNER. I take it, from what you have stated, that you are of the opinion that a person who is subject to the directives of the Communist Party should be permitted to teach in our public schools. Is that your view?

Mr. NELSON. You are asking for my opinion. I shall give it to you. In my opinion, a schoolteacher—just as any other employee—should

not be responsible to his employer for his political opinions or his private thoughts.

A schoolteacher, especially, must be free to explore all knowledge and to expose his students to the facts so that the students themselves may form their opinions.

Mr. TAVENNER. Is a person subject to the directives of the Communist Party free to do those things?

Mr. NELSON. Still going on my own opinion, I have seen in recent years statements where teachers have been discharged from their work after having been employed for sometimes 10, 15, and 20 years. I must believe that this teacher must have been competent if he was held on his position through all this length of time.

So I cannot say whether these specific teachers were subject to anybody directing from outside. But I do say that these teachers who have been charged by this committee and similar committees as being under the subjugation of somebody else, I submit that the fact that they did teach for such a long time and had such very fine records must be an indication that they were competent to teach and were retained by their administration as good teachers until such time as such committees as these came around and tried to bring in other factors rather than academic competence.

Mr. JACKSON. That is not necessarily true.

I know of some cases before this committee where teachers were released, not because of their competency or lack of competency, but because they lied on official documents.

I think personally that a Communist teacher has got as much right in close contact with a young mind as a rattlesnake has in a baby's crib.

Mr. TAVENNER. Were you a member of the Communist Party between 1951 and 1952 when you served as an officer of the State parole system for the State of California?

(The witness confers with his counsel.)

Mr. NELSON. Mr. Tavenner, I was with the State only a brief time, but even in that short time I was commended by my superior as being one of the very promising officers.

However, with respect to this particular question, I decline to answer on the basis of the privilege provided to me under the first amendment supplemented by the fifth amendment of the Constitution.

Mr. SCHERER. Did you ever tell your superior who commended you that you were a member of the Communist Party?

Mr. NELSON. I decline to answer that question on the basis of the first amendment supplemented by the fifth amendment.

Mr. SCHERER. When you signed your application form for employment with the State and were asked the question whether you were a member of the Communist Party or not, did you disclose that on that application?

Mr. NELSON. Do you have the application here, Mr. Tavenner? I think Mr. Scherer would like to examine it.

Mr. JACKSON. Did you sign such an application, to the best of your knowledge?

Mr. NELSON. The State of California Personnel Department has application forms as other public agencies do, and I think it would be of value to the committee to let them examine it if it is here.

Mr. JACKSON. Let me phrase it this way:

If you were required today to sign such an affidavit would you do so, stating that you were not a member of the Communist Party?

(The witness confers with his counsel.)

Mr. NELSON. The apparent intent of these remarks is to drive home the inference that this witness has done something that he should not have done.

Mr. JACKSON. It is an attempt to find out from you whether you are depending upon the fifth amendment in good faith. That is the only intent. And to also attempt to find out whether or not you were a member of the Communist Party.

Mr. NELSON. I have sought the Constitution, and I have good faith in the Constitution and all of the amendments to it.

Mrs. ROSENBERG. Pardon me, Mr. Chairman. Is there a question before this witness?

Mr. MOULDER. The last question was would you sign such an application today, or affidavit, that you were not a member of the Communist Party. I believe that is the question propounded by Mr. Jackson.

Mr. JACKSON. That is the question.

Mr. MOULDER. I believe his question was:

If you were signing an application for employment with the State of California, which provided or asked the question whether or not you were a member of the Communist Party, would you sign such an affidavit.

I believe substantially that is the question.

Mr. JACKSON. That is substantially it. I want to know whether or not he would make a statement today on an official form which was a requisite of employment that he was not a member of the Communist Party.

(The witness confers with his counsel.)

Mr. NELSON. You put the question, and the form is not before this committee, and is a matter of conjecture. And I would decline to answer.

Mr. JACKSON. Is it a matter of conjecture?

Mr. NELSON. It is not a matter of past history.

Mr. JACKSON. Would you sign it?

If you are, as you say, a good loyal American citizen with nothing in your background of which to be ashamed, do you feel that you cannot tell the committee of the Congress whether or not you would state affirmatively that you were not a member of the Communist Party?

(The witness confers with his counsel.)

Mr. NELSON. Mr. Jackson, I have been and I am now a good loyal American citizen.

Mr. JACKSON. Are you a member of the Communist Party?

Mr. NELSON. And I am not required to answer such question as the one just now put to me by you, sir.

Mr. JACKSON. I shall put a similar one.

Are you a member of the Communist Party today?

Mr. NELSON. As I told Mr. Tavenner, this matter may be approached from various angles, but I still say that the Constitution is in effect, and I decline to answer on the basis of the first amendment supplemented by the fifth.

Mr. TAVENNER. I have no further questions.

Mr. MOULDER. Mr. Doyle, have you a question?

Mr. DOYLE. Yes; I have just a couple.

I think I made a record of the witness' testimony of the agencies in Government in which he worked, and manifestly he has had a very rich and varied experience and a very valuable experience.

Mr. NELSON. Thank you, sir. I agree with you.

Mr. SCHERER. I do not think the Government has had, though.

Mr. DOYLE. And apparently he is very well informed on the history of nations and of government, including the history of the Communist Party. That is very evident.

I notice, Mr. Nelson, that you worked in the State of Washington in 1941 to 1945 for the Department of Agriculture in relief work. I am sure you know that in April of 1945 Earl Browder was kicked out of the American Communist Party.

Shortly thereafter certainly every thinking adult, American citizens, should have been charged with knowledge that the Communist Party program in the United States and in the world was a conspiracy, subversively. Certainly for the last several years it has been a matter of knowledge to you as a schoolteacher and a student of government that the United States courts and Congress have declared the Communist Party in America to be an international conspiracy based upon the use, if necessary in their judgment, of force and violence.

(Representative Donald L. Jackson left the hearing room at this point.)

Mr. DOYLE. The reason I mentioned that is I know that you know history perhaps as well as I do or better. But I know that is a matter of history, and so do you.

Very frankly, the thing that amazes me, even recognizing your rights to plead the first and fifth amendments—which we all certainly do, if it is done in good faith and honestly—is that you would come here this morning, and not be in a position where you could honestly say you are not today a member of the Communist Party.

That is the thing that amazes me.

I can make allowance for thinking, patriotic American citizens who joined the Communist Party back in 1941, 1942, 1943, 1944, 1945, and some of them in 1946 before it was known that the Communist Party was a conspiracy founded upon force and violence.

Mr. SCHERER. Before it was generally known.

Mr. DOYLE. Before it was generally known.

But you, sir, from your training, knew it ahead of most of us. From your education and from your statements I can draw certain deductions based upon my own experience.

And so there came a time, in my book, when you, as a schoolteacher and a patriotic American citizen, should have withdrawn from the Communist Party.

By that I am inferring what I know as a matter of practical experience, that there was a time when you were pretty close to it. You haven't admitted ever joining it.

I am not inferring it. I realize that under the law there is no inference to be drawn; there is no presumption to be drawn.

Mr. NELSON. Thank you, sir. I am glad you said that.

Mr. DOYLE. We know what the decisions of the courts are as well as you, sir.

Mr. SCHERER. That doesn't prevent us from relying on other sworn testimony, however, in arriving at a conclusion of this man's membership in the party.

Mr. DOYLE. No.

Mr. SCHERER. There is no question about it, Mr. Doyle. You don't have to have an inference.

Mr. DOYLE. The thing that amazes me is that you, as a schoolteacher in the State of California, a State official and former Government official of the United States Government in foreign countries as well as in this country, have not as yet put yourself in the position where you could frankly say to the United States Congress—about which you have been teaching schoolchildren—it might have been some of my children, which makes me shiver to think of it—"Yes, I was a member of the Communist Party" if you were "back in 1942 until 1946 even, but I got my fill and I got out."

That is the thing that amazes me, Mr. Nelson, that a man with your background isn't able to say this morning, "No, I am not a member of the party."

You may think that is an invasion by us to make that inquiry.

Mr. NELSON. I do; yes.

Mr. DOYLE. I see you do. That is what amazes me, to be frank with you, because I used to be a member of the California State Board of Education, and I know some of the problems we had.

One more statement, Mr. Chairman. And may I make this observation—

Mr. NELSON. May I express my amazement also, Mr. Moulder?

I am really amazed at the activities of this committee.

Mr. MOULDER. I can understand the temptation on the part of the witness to reply to a lecture.

Each member has a right to conduct himself as he pleases. I do the best I can to keep order and an orderly procedure.

Mrs. ROSENBERG. May I respectfully request that the witness be permitted to answer an argument that was put to him.

Mr. DOYLE. I am not arguing, Madam Attorney. I am making a statement of my position.

Mrs. ROSENBERG. I wish this witness would have a like privilege.

I respectfully urge that you give him the privilege that your colleagues have been given all morning.

Mr. MOULDER. Mr. Doyle will proceed.

Mr. DOYLE. I just wish this witness would understand my position as a mere Congressman.

I recognize your right and every American citizen's right to think what he pleases and to preach what he pleases and to write what he pleases and to live the way he pleases. But he has to do it within the four corners of the Constitution of the United States.

And I don't recognize your right, nor the right of any other American citizen to continue to be a member of any organization or any association that has been declared a conspiracy by the Congress of the United States, because that makes it illegal.

So I say to you, sir, as one American to another, I do not recognize your right to come before any group of United States Congressmen, lawfully on an investigation, and claim it is your right—if you want to claim it—to still be a member, if you ever have been, of a conspiracy that has been declared illegal by the Congress of the United

States. And I hope you will get into a position where you do not disagree with me, at least on that one point.

Mr. MOULDER. I must say, of course, that we will agree that you have the right to claim the privilege, as Mr. Doyle says, and decline to answer under the provisions of the Constitution.

But I think his point is that he is criticizing your decision and judgment in so proceeding.

Mrs. ROSENBERG. Which he has no right to do, Mr. Chairman, may I say for the record.

And he has no right to draw inferences, which he has consistently drawn.

Mr. MOULDER. All right. Now what do you have to say?

Mr. NELSON. I would certainly like to express my amazement also, Mr. Doyle.

Only a few days ago I was sitting in this room when I heard the Congressman speak of some of the eminent citizens of this community as rats and mice.

Mr. DOYLE. No; I didn't. I deny it. You heard nothing of the kind.

Mr. NELSON. I heard it.

And I must say that if Mr. Doyle fancies himself as a political piper who is going to take the mice out of the city of Hamlin, constitutional liberties, he had better take a second look.

I do not accept the inferences that have been made that because a citizen, in his own protection, from having observed how this committee operates, answers the questions on the basis of the first amendment and the fifth amendment, that any inference unfair to him should be drawn.

The Supreme Court has spoken on that, and I think that should be enough to silence this sort of activity.

And I hope that my opportunity of being here today can help to hasten the day when this committee will no longer be in existence.

Mr. MOULDER. If the officer can identify any person responsible for that demonstration, they will be removed from the hearing room.

Mrs. ROSENBERG. Is there a question before the witness, Mr. Chairman? Is there a question before the witness?

Mr. MOULDER. There is no question pending.

(Representative Donald L. Jackson returned to the hearing room at this point.)

Mr. MOULDER. Mr. Jackson?

Mr. JACKSON. No questions.

Mr. MOULDER. Mr. Scherer, do you have any additional questions?

Mr. SCHERER. No.

Mrs. ROSENBERG. Is the witness excused?

Mr. MOULDER. Mr. Tavenner?

Mr. TAVENNER. I have no further questions.

Mr. MOULDER. The witness is excused.

Mr. TAVENNER. Mr. Arthur Globe.

Mr. MOULDER. Hold up your right hand and be sworn.

Do you solemnly swear that the testimony which you are about to give before the committee will be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. GLOBE. I do.

TESTIMONY OF ARTHUR GLOBE, ACCOMPANIED BY COUNSEL,
ESTHER SHANDLER

Mr. GLOBE. I would like to request the committee to keep these photographers away from me, if you don't mind.

Mr. JACKSON. I object, Mr. Chairman.

The press has every right to operate. It is one of the freedoms contained in the famous Bill of Rights, upon which the witnesses propound at length.

Mr. TAVENNER. What is your name, please, sir?

Mr. GLOBE. Arthur Globe.

Mr. TAVENNER. Will counsel accompanying the witness please identify herself for the record.

Mrs. SHANDLER. Esther Shandler.

Mr. TAVENNER. When and where were you born, Mr. Globe?

Mr. GLOBE. Chicago, Ill.

Mr. TAVENNER. When?

Mr. GLOBE. February 26, 1918.

Mr. TAVENNER. Where do you now reside?

Mr. GLOBE. In Los Angeles.

Mr. TAVENNER. How long have you lived in Los Angeles?

Mr. GLOBE. Something over 30 years.

Mr. TAVENNER. Will you tell the committee, please, what your formal educational training has been.

Mr. GLOBE. I took a bachelor of arts degree at the University of California in Los Angeles, in 1942, and, after my Army service of 40 months, I returned to the University of Southern California, in graduate work, and completed 65 units in clinical psychology.

Mr. TAVENNER. What was the period of your military service?

Mr. GLOBE. From September of 1942 until January of 1946.

Mr. TAVENNER. Was your additional graduate training after you returned from the service?

Mr. GLOBE. That is correct.

Mr. TAVENNER. Will you again state what that was?

Mr. GLOBE. Three to four years of study in the field of clinical psychology and related fields.

Mr. TAVENNER. You completed your course of formal training then about what date?

Mr. GLOBE. I didn't quite complete my formal training. I took the course work.

Mr. TAVENNER. What was the approximate date when you finished your formal training?

Mr. GLOBE. It extended over a period of approximately 4 to 4½ years.

Mr. TAVENNER. At what time was that work terminated? I have asked that three times now.

Mr. GLOBE. You asked the actual day, hour, and minute?

Mr. TAVENNER. No, I didn't ask that.

Mr. GLOBE. I can give it to you as the best of my recollection: From 1946 to 1950 approximately.

Mr. TAVENNER. That is the first time you have done that. What has been your profession since that time?

Mr. GLOBE. My profession has been that of a psychologist and that of a social worker, both areas concerned with mental health.

Mr. TAVENNER. How have you been employed in your work as a social worker?

(The witness confers with his counsel.)

Mr. GLOBE. Would you be more specific, please?

Mr. TAVENNER. What has been your employment as a social worker since 1950?

Mr. GLOBE. I find the questioning as to my employment a little difficult to accept under the circumstances. I can't quite see how my employment, my employment experience, present or past, can be the concern of the committee.

I do my work and I do it as well as I can, and that is the situation.

I don't understand the line of your questioning, Mr. Tavenner.

Mr. SCHERER. Mr. Chairman, I ask that you direct the witness to answer Mr. Tavenner's question with reference to his employment.

(The witness confers with his counsel.)

Mr. JACKSON. It is a matter of proper identification.

Mr. MOULDER. At the request of members of the committee, the witness is directed to answer the question.

(The witness confers with his counsel.)

Mr. GLOBE. I have been employed as a social worker, or at least in social agencies twice. The present employment is that of a social worker, and the past employment was also. In 1950 I worked as a social worker in a social agency.

Mr. TAVENNER. Where?

Mr. GLOBE. In Los Angeles.

Mr. SCHERER. By whom are you presently employed?

Mr. GLOBE. By the County of Los Angeles.

Mr. SCHERER. As a social worker?

Mr. GLOBE. That is correct.

Mr. TAVENNER. Where did you attend school between 1946 and 1950?

Mr. GLOBE. I answered that question already.

Mr. TAVENNER. You said you attended school, but you didn't state where, according to my recollection.

Mr. GLOBE. University of Southern California.

Mr. TAVENNER. That was the period that you were taking graduate work, I believe. Is that correct?

Mr. GLOBE. That is correct.

Mr. TAVENNER. Were you familiar with an organization in that school composed largely of graduate students known as the John Reed Club of the Communist Party?

Mr. GLOBE. My familiarity or lack of familiarity with any organization that might exist in the country today is entirely my own business, and termed under the Constitution of the United States.

This is a matter of personal knowledge. I don't think that this committee has any right to inquire into my personal knowledge in this or any other respect since they cannot legislate what I do nor what I do not know, or what I intend to know.

Mr. SCHERER. I ask that you direct the witness to answer the question.

Mr. MOULDER. The witness is directed to answer the question.

Mr. GLOBE. Finding the question completely out of line as far as my rights as a citizen are concerned, I refuse to answer this question

under the first and fifth amendments of the Constitution of the United States.

Mr. TAVENNER. Were you a member of the John Reed Club of the Communist Party while in attendance at the university?

Mr. GLOBE. This question is even more objectionable than the first one for the same reasons I previously stated, and I object to it, and I refuse to answer on the same grounds.

Mr. TAVENNER. Were you acquainted with any of the activities of a group of the Communist Party known as the John Reed Club.

Mr. GLOBE. I refuse to answer on the same grounds.

Mr. TAVENNER. Did you observe Communist Party activities since 1950 of any persons known to you to be members of the John Reed Club of the Communist Party while you were at the university?

Mr. GLOBE. I feel, Mr. Tavenner, if you want information about names, people, and anything else that you might be concerned with, I suggest that you get one of your trained seals up here and ask them.

I refuse to answer this.

Anyone or any associations I may have had in the past or expect to have in the future are entirely my own.

I refuse to answer this question, as it is an invasion of my rights, invasion of the rights of all the American citizens.

I refuse to answer on the basis of the first and fifth amendments, both.

Mr. TAVENNER. Are you now a member of the Communist Party?

Mr. GLOBE. I refuse to answer this question, as previously stated, for previous reasons, and on the same grounds.

Mr. TAVENNER. I have no further questions, Mr. Chairman.

Mr. MOULDER. Mr. Doyle?

Mr. DOYLE. No questions.

Mr. MOULDER. Any questions, Mr. Jackson?

Mr. JACKSON. No questions.

Mr. MOULDER. Mr. Scherer?

Mr. SCHERER. Did this witness say he served in the Armed Forces of the United States?

Mr. GLOBE. I certainly did.

Mr. SCHERER. While you were a member of the Armed Forces of the United States, Witness, were you a member of the Communist Party?

Mr. GLOBE. I refuse to answer. First and fifth amendments. You have no right to ask.

Mr. SCHERER. I have no further questions.

Mr. MOULDER. I have one question.

Do you have any knowledge or information of subversive or communistic activities of any person?

(The witness confers with his counsel.)

Mr. SCHERER. It is not funny, Witness, at all.

Mr. GLOBE. It is a rather difficult question to answer, since it contains so many elements that are implied and have not been established since I have been on the stand.

As far as I am concerned, these implications have not been established in the country at all. The whole idea—

Mr. SCHERER. You say there has been no establishment in this country of subversive activities when our atomic secrets were stolen and

now rest in the archives of the Kremlin because of subversives in Government?

(The witness confers with his counsel.)

Mr. GLOBE. I would be glad to discuss this or any other question you might ask me——

Mr. SCHERER. When you are not under oath.

Mr. GLOBE. When I am not on the stand under the circumstances of this committee; where I would be glad to discuss it under oath if you, too, were under oath, sir.

Under the circumstances I feel that I am, since I am a target for what seems to be and has been proved to be quite unprincipled attacks that are aimed at maligning and destroying a person's working ability, I refuse to answer this question on the same grounds as previously.

Mr. MOULDER. Is that all.

Mr. TAVENNER. Yes.

Mr. MOULDER. The witness is excused.

The committee will stand in recess for a period of 5 minutes.

(Whereupon, a short recess was taken, Representatives Moulder, Doyle, Jackson and Scherer being present.)

(The committee was reconvened upon the expiration of the recess; present: Representatives Moulder, Doyle, and Jackson.)

Mr. MOULDER. The committee will be in order.

Call your next witness, please, Mr. Tavenner.

Mr. TAVENNER. Mr. Don Christlieb.

Mr. MOULDER. Hold up your right hand and be sworn, please.

Do you solemnly swear that the testimony which you are about to give will be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. CHRISTLIEB. I do.

Mr. MOULDER. Please be seated.

TESTIMONY OF DON CHRISTLIEB

Mr. TAVENNER. What is your name, please, sir?

Mr. CHRISTLIEB. Don Christlieb.

Mr. TAVENNER. Will you spell your name, please?

Mr. CHRISTLIEB. That is C-h-r-i-s-t-l-i-e-b.

(Representative Gordon H. Scherer returned to the hearing room at this point.)

Mr. TAVENNER. It is the practice of the committee to advise all witnesses who appear before it that they have the right to have counsel with them if they desire it.

Mr. CHRISTLIEB. I understand.

Mr. TAVENNER. And the right to confer with counsel at any time during the period of their questioning.

When and where were you born, Mr. Christlieb?

Mr. CHRISTLIEB. I was born in Fullerton, Calif., October 10, 1912.

Mr. TAVENNER. Where do you now reside?

Mr. CHRISTLIEB. In Los Angeles, sir.

Mr. TAVENNER. What is your profession or occupation?

Mr. CHRISTLIEB. Musician, instrumentalist.

Mr. TAVENNER. How long have you been professionally engaged as an instrumentalist?

Mr. CHRISTLIEB. Since 1936.

Mr. TAVENNER. Will you tell the committee, please, what your formal educational training has been?

Mr. CHRISTLIEB. I attended the public schools in Los Angeles through Los Angeles Junior College.

Mr. TAVENNER. What has been your employment record since completion of your school?

Mr. CHRISTLIEB. Since 1937 I have been employed as a musician in studio recording orchestras, and I have worked in every studio at one time or other.

Mr. TAVENNER. Was your employment interrupted by military service?

Mr. CHRISTLIEB. Yes. In 1934—1935 I enlisted for 2 years and 2 months in the Army, and I have an honorable discharge.

Mr. TAVENNER. Will you tell the committee, please, whether or not as a musician you were requested to affiliate with the Communist Party?

Mr. CHRISTLIEB. Yes.

Mr. TAVENNER. Did you become affiliated?

Mr. CHRISTLIEB. Yes, I did. In, I think—before Pearl Harbor, in 1941.

Mr. TAVENNER. How long did you remain in the Communist Party?

Mr. CHRISTLIEB. As nearly as I can determine it was about the end of 1946.

Mr. TAVENNER. You have not been a member of the Communist Party since that time?

Mr. CHRISTLIEB. No, I have not, sir.

Mr. TAVENNER. Will you tell the committee, please, the circumstances of your affiliation with the Communist Party in the first place?

Mr. CHRISTLIEB. I believe that I hoped for a form of society which could avoid the extremes of depression and war, and I think that the threat of fascism at that time involving the world was a period of cynicism and pessimism in late 1939 and the late 1940's. And I believe while many people were window-shopping for socialism here, I went in and made a purchase of merchandise I considered unreturnable and too hot to handle, and I have been returning small pieces painfully year after year, and I hope I can return a small piece today that is left.

Mr. TAVENNER. Just how were you recruited into the Communist Party? Would you tell us that?

Mr. CHRISTLIEB. I think that it is a very individualistic thing with musicians, in the Musicians Branch. It is one of the few times when party work is such, musicians' work in the branch is such, that the individual personality and ingenuity and training and talent is given full play, and it is usually made by contact of an individual seeking to recruit a person they may consider eligible. That person is usually asked to read at that time the Daily People's World and many articles of that sort, which I was, too.

Mr. TAVENNER. Are you describing now what happened in your own case?

Mr. CHRISTLIEB. Yes, and I believe similar cases around me.

And I think that after reading of such articles and so forth, we were approached by members that were in the party and asked how we felt about what we were reading, and so forth, and if we would care to attend Marxist classes.

Mr. TAVENNER. Did you attend Marxist classes?

Mr. CHRISTLIEB. Yes, I did, sir.

Mr. TAVENNER. For how long a period of time?

Mr. CHRISTLIEB. I only attended about four sessions, as such.

Mr. TAVENNER. Do you recall any teachers of those sessions?

Mr. CHRISTLIEB. No, I do not. I could only guess that it was someone sent from the section. I don't believe I ever saw him after that.

Mr. TAVENNER. By "section," do you mean a section of the Communist Party?

Mr. CHRISTLIEB. That is right. I think it was called the Northwest Section, under which the branches, the musicians particular branch came.

Mr. TAVENNER. Would you tell the committee, please, just what happened when you completed that course of study?

Mr. CHRISTLIEB. Yes.

After the completion of the four sessions I was asked if I still wished to join the party, and if I did—which I did—the branch would then meet and vote on my acceptance, which they did. And that was all the formality needed to attend the first meeting of the branch as such.

Mr. TAVENNER. Who was the person by whom you were recruited?

Mr. CHRISTLIEB. Mischa Altman.

Mr. TAVENNER. Do you know where Mischa Altman is now?

Mr. CHRISTLIEB. I believe he is in Europe at the present time—I think France.

Mr. TAVENNER. Were there other persons who had taken this course with you, or this reading, this study course?

Mr. CHRISTLIEB. Yes, there were.

Mr. TAVENNER. And who were also recruited into the Communist Party at that time?

Mr. CHRISTLIEB. Yes.

Mr. TAVENNER. Can you recall their names?

Mr. CHRISTLIEB. Yes. There were Haakon Berg—

Mr. TAVENNER. Will you spell both names?

Mr. CHRISTLIEB. H-a-a-k-o-n B-e-r-g.

Mr. TAVENNER. He had taken this study course with you and went into the Communist Party with you?

Mr. CHRISTLIEB. That is correct.

Mr. TAVENNER. Do you know whether he withdrew from the Communist Party before you did?

Mr. CHRISTLIEB. Yes. I think that he went into defense work and then into the Army quite soon afterward.

Mr. TAVENNER. Can you recall the other persons from your study group who went into the Communist Party with you?

Mr. CHRISTLIEB. Yes. There were George Pepper—

Mr. TAVENNER. Was George Pepper a musician?

Mr. CHRISTLIEB. Yes, that is right.

Mr. TAVENNER. Are there any others that you recall?

Mr. CHRISTLIEB. There were their wives also.

Mr. TAVENNER. Do you remember the name of the wife of George Pepper?

Mr. CHRISTLIEB. It was Joy. And with Mr. Berg it was Ann.

Mr. TAVENNER. After you were taken into the Communist Party were you assigned to an organized group?

Mr. CHRISTLIEB. That particular branch was, I believe, called branch O.

Mr. TAVENNER. Branch O. Was that the musicians' branch?

Mr. CHRISTLIEB. Correct.

Mr. TAVENNER. Did you remain a member of that same branch during your entire membership in the Communist Party or were you at any time transferred to another group?

Mr. CHRISTLIEB. I never knew it to be under any other title, in my experience.

Mr. TAVENNER. Will you tell the committee, please, how frequently this group of the Communist Party met?

Mr. CHRISTLIEB. I think, the average of once every 2 weeks, although a few members, I think, met on the off weeks to continue their study.

Mr. TAVENNER. Would you tell the committee more about the plan of study of the Communist Party as you found it after you became a member?

Mr. CHRISTLIEB. That was usually handled by a person called the literature director. And we studied such volumes as the History of the Communist Party of the Soviet Union, and portions of the text on Karl Marx by Marion and portions of a volume called Dialectical and Historical Materialism by Guest, and also many pamphlets, the most prominent of which was, I believe, Political Action. I believe the text came once a month on the practical application of Marxism. Political Action is the name of the magazine.

Mr. TAVENNER. Over how long a period of time did you continue your Marxist studies?

Mr. CHRISTLIEB. I would guess 1 year.

Mr. TAVENNER. Did functionaries of the Communist Party on a higher level come into your meetings at any time for the purpose of conducting educationals?

Mr. CHRISTLIEB. In this case it was mostly the senior member in the branch. I refer specifically to Mischa Altman.

Mr. TAVENNER. You refer to the literature director of your group as playing an important part in the educational phase of your work. Who was the literature director?

Mr. CHRISTLIEB. I can't recall at the moment, because those officers did rotate quite frequently, and sooner or later most everyone occupied that chair.

Mr. TAVENNER. Who were the persons you considered to be the leaders of this group of the Communist Party from their activities?

Mr. CHRISTLIEB. I think it was pretty well shared by Mischa Altman and Sam Albert.

Mr. TAVENNER. How many persons composed this group at any one time? What do you think was the maximum number?

Mr. CHRISTLIEB. The number in attendance seemed to be 20 when well attended, perhaps less most other times.

Mr. TAVENNER. Can you give the committee a fairly correct idea of the number of persons who were members of branch O of the Communist Party during your membership in it?

Mr. CHRISTLIEB. I think possibly a little later when the branch itself discussed it that they placed the number at about 60 or 65. That refers to the coming and going, members moving in and out of the Los Angeles area, or transfers from out of town.

Mr. TAVENNER. What was the chief objective of this Communist Party organization at the time when you first became a member of it?

Mr. CHRISTLIEB. The musicians, of course, would be, as with many branches, as closely related to its trade union as possible, and ours was, of course, with Musicians Local 47, A. F. of M. Other objectives, of course, were to grow, recruit, and so forth.

Mr. JACKSON. Mr. Chairman, I would like to place the location of branch O. In what general section of the city was that?

Mr. CHRISTLIEB. Generally in the Hollywood area.

Mr. JACKSON. In the homes of various members?

Mr. CHRISTLIEB. Right.

Mr. TAVENNER. You say you met in the homes of the members?

Mr. CHRISTLIEB. That is correct.

Mr. TAVENNER. Can you recall at this time the names of the members in whose homes you met?

Mr. CHRISTLIEB. Yes, I can. It would be Mischa Altman, Sam Albert, Haakon Berg, George Pepper, Carroll Hollister—

Mr. TAVENNER. Would you spell the first and last names?

Mr. CHRISTLIEB. C-a-r-r-o-l-l H-o-l-l-i-s-t-e-r.

At the home of Joe DiFiore.

Mr. TAVENNER. Will you spell the last name?

Mr. CHRISTLIEB. D-i F-i-o-r-e. And my home.

Mr. TAVENNER. In these various courses of training given within the Communist Party club itself, did you ever study American history?

Mr. CHRISTLIEB. I believe the only text—and I don't believe that was participated in by the branch in general—was a history of the American labor movement. I believe it was Anthony Bimba.

Mr. TAVENNER. Were you active in connection with the establishment of the Musicians Congress?

Mr. CHRISTLIEB. Not in the outset, if you mean establishment or origin. But I think soon afterward, after the large initial meeting or congress was held on the UCLA campus I did join and tried to participate.

Mr. TAVENNER. Did you hold any position at any time in the Musicians Congress?

Mr. CHRISTLIEB. Yes. For about 2 months I was on the board.

Mr. TAVENNER. What activity did you observe within the Communist Party in connection with the Musicians Congress?

Mr. CHRISTLIEB. I think about the time I entered the congress as such, it was my experience to see the Communist Party in the midst of tremendous disagreement and quarrel, each accusing the other side of being opportunists, which was the party's way in using the organization for their own personal benefit.

Mr. TAVENNER. Will you tell the committee as fully as you can your experience with the Musicians Congress. To what extent its offices were infiltrated by members of the Communist Party, and what the Communist Party was trying to do with it?

Mr. CHRISTLIEB. I think when it started at UCLA, and perhaps on some of the literature concerning its origin, it had as its object building morale in peacetime and it had a considerable amount of just straight musical events. That meant a rather broad participation, making it possible for musicians in all fields to enter into it as well as members of the party, which by the sheer number of meetings and so forth,

could be used by Communist Party individuals for individual recruiting.

Mr. TAVENNER. Were you a member of its executive board?

Mr. CHRISTLIEB. Yes.

I had submitted a small paper on the problems of instrumentalists and the particular instrument I play, and I believe it was at the recommendation of the secretary of the Musicians Congress that I was asked to be a member of the board.

Mr. TAVENNER. I have before me a letterhead of the Musicians Congress, November 23, 1945, which I ask be marked for identification purposes only, as "Christlieb Exhibit No. 1," and to be retained in the files of the committee.

An examination of the letterhead shows that at that time there were 23 persons on the executive board and that you were one of them.

Will you examine that list, please, and give us the names of those on it whom you can identify from your own personal knowledge to have been members of the Communist Party at that time.

Mr. CHRISTLIEB. I see organizational secretary, Mischa Altman; financial secretary, Leonard Selic.

Mr. TAVENNER. What is the spelling of that last name?

Mr. CHRISTLIEB. S-e-l-i-c.

Mr. TAVENNER. How did you know him to be a member of the Communist Party?

Mr. CHRISTLIEB. I met with him formally at meetings in our various homes.

Mr. JACKSON. Meetings closed to all except members of the Communist Party?

Mr. CHRISTLIEB. Closed meetings; correct.

Mr. TAVENNER. Will you proceed, please?

Mr. CHRISTLIEB. Joe DiFiore, Carroll Hollister—

Mr. TAVENNER. Is the latter individual the same individual to whom you referred a few moments ago?

Mr. CHRISTLIEB. That is correct; and Tamara Hovey.

Mr. TAVENNER. Will you spell the name?

Mr. CHRISTLIEB. H-o-v-e-y.

Mr. TAVENNER. The first name?

Mr. CHRISTLIEB. T-a-m-a-r-a.

The next name is Earl Robinson.

Mr. TAVENNER. R-o-b-i-n-s-o-n.

Mr. CHRISTLIEB. Correct.

Mr. TAVENNER. How did you know him to be a member of the Communist Party?

Mr. CHRISTLIEB. Also meeting in private homes in closed meetings. George Sandell.

And that is all I see here.

Mr. TAVENNER. You have not identified a person by the name of Leon Becker. Do you see his name?

Mr. CHRISTLIEB. I see his name, sir, but I didn't meet him formally at any meetings.

Mr. TAVENNER. I wish to tell the committee that he has been identified in public testimony as a member of the Communist Party, and our information is that he is now a Canadian citizen, is in England and has renounced his United States citizenship.

Do you see the name of Jay Gorney?

Mr. CHRISTLIEB. Yes.

Mr. TAVENNER. He has been identified in other public testimony.

Mr. CHRISTLIEB. But never in the Musicians Branch that I was in.

Mr. TAVENNER. David Raksin. Do you see his name as one of those?

Mr. CHRISTLIEB. Yes, but the same applies there. He never met with the instrumentalists' branch.

Mr. TAVENNER. David Raksin has appeared before this committee formally and admitted former Communist Party membership.

Do you see there the name of Wachsman, W-a-c-h-s-m-a-n?

Mr. CHRISTLIEB. Yes; I do.

Mr. TAVENNER. What is his first name?

Mr. CHRISTLIEB. Bob, I see here. But the same thing holds there also.

Mr. TAVENNER. Robert Wachsman has appeared, Mr. Chairman, before this committee and refused to answer any material questions relying upon the fifth amendment.

In what way did the Communist Party participate, if any, in the decisions that were arrived at by the executive board of this organization?

Mr. CHRISTLIEB. It was my experience, as I said before, to find this organization in the midst of a tremendous quarrel, and from that time on nothing constructive was ever arrived at. I think I saw actually the destruction of the Musicians Congress because of these quarrels.

Mr. TAVENNER. Were those quarrels within the Communist Party or within the Musicians Congress, or in what way were they related?

Mr. CHRISTLIEB. It was in the branch as well as in the congress itself. Of course, the language and the phraseology used in the congress itself had to be tempered because there were many who were not members of the party. But this, I say, made very little sense to people outside of the party.

And if I may say here, at the time the chairman of this organization was not, certainly not a member of the party. And I think I should say something in his behalf. I know that he was devoted to music and wanted only to be identified with the making of music. And he used to complain to me considerably about the fact that Mischa Altman would want to talk doctrine with him. And his answer was always, "If we can make music together, let's make music, and I will meet with you on that basis." And I think it was with this simple principle alone, and nothing else, he stayed with the organization until its end out of respect to the many people that were not members of the Communist Party, and should be complimented for it. He probably has suffered some abuse for this, but I think he should be commended. Because with about the only weapon being music he was able to frustrate the aims of the party, and certainly cause Mr. Mischa Altman perhaps one of the greatest of frustrations I have ever seen in an individual because he actually wanted to capture the mind of Lawrence Morton, and he couldn't do this.

Mr. DOYLE. Who was that chairman?

Mr. CHRISTLIEB. Lawrence Morton.

Mr. TAVENNER. So that the Communist Party had something in mind other than the matter of promoting music for music's sake; is that what you are telling us?

Mr. CHRISTLIEB. Yes, sir.

Mr. TAVENNER. I wish you would describe that situation more fully to the committee, giving as full an understanding of it as you can. Tell the whole story, what it was about, and what occurred.

Mr. CHRISTLIEB. I can only say that if this had been a success that they had planned for it, it would have been a tremendous feather in the cap of the Communist Party members, and it would have been a tremendous asset to their recruiting program.

Mr. SCHERER. Do you think it was largely due to the position taken by this one man, the chairman of the group, that they were not successful?

Mr. CHRISTLIEB. I certainly do. I think that is the greatest lesson that could be learned from a man, that a single individual could take that stand and be that successful.

Mr. TAVENNER. When the Communist Party was unable to influence the chairman of that organization, what did they do? What was the result of the situation?

Did they go along with the organization or did they take a course of action which brought about its destruction?

Mr. CHRISTLIEB. Some of them retired from the committee formally, as I did, but the quarrel went on up into the section.

Mr. TAVENNER. The section of the Communist Party?

Mr. CHRISTLIEB. That is right, through the branch, through the branch itself and the section where the same charges were leveled at each other and referees were appointed, more like a kangaroo court. No decision was ever handed down, however.

Mr. TAVENNER. Tell us more in detail about it. I don't understand how this issue in the Musicians Congress finally found its way to the section group, which was a higher level than your own group of the Communist Party.

(Representative Morgan M. Moulder left the hearing room at this point.)

Mr. CHRISTLIEB. Since there were so many people, as you know, from the branch involved, their time must have accounted for something. The considerable length of time that the members did spend in the congress, they should have gotten some results. And there were none forthcoming. Certainly the section is going to ask why not. It was a stalemate, and for a long period of time.

Mr. DOYLE (presiding). In other words, the efforts of the Communist Party members within the Musicians Congress were to control the Musicians Congress with the doctrine of the Communist Party instead of for music's sake. And that effort by the Communist Party cell in the Musicians Congress failed to such an extent that their failure was carried on up into the higher level of the Communist Party control?

Mr. CHRISTLIEB. That is correct.

Mr. DOYLE. In other words, they were held for an accounting by a higher level in the Communist Party, and that is right here in Los Angeles?

Mr. CHRISTLIEB. Correct.

Mr. DOYLE. What year?

Mr. CHRISTLIEB. I believe the congress started in 1944, but I believe this was in 1945, the latter period of 1945, because I know by the first part of 1946 they had had it dissolved.

Mr. SCHERER. Do you think that dissolution was due to this conflict and failure upon the part of the Communists to succeed with the congress?

Mr. CHRISTLIEB. It certainly was with me, sir.

Mr. SCHERER. It was with you. In other words, the Communists could not control it so they destroyed it?

Mr. CHRISTLIEB. It had that effect.

Mr. DOYLE. I would think that the record should show, based upon the testimony of this witness, that the musicians' group in Los Angeles is entitled to a compliment from this committee in resisting the subversive activities of the Communist cell within the musicians' group as related by you, Mr. Christlieb.

Mr. CHRISTLIEB. Yes, sir.

Mr. JACKSON. The role to be played, as I understand it, by the Communist branch was to obtain control of the Musicians Congress. Now, what contribution, after having obtained control of the congress, or what was your concept of the contribution that could be made by this Communist-controlled congress to the work of the Communist Party?

Mr. CHRISTLIEB. I wish I could point to a single bit of evidence, but I can't.

Mr. JACKSON. There was no specific goal that you knew of?

Mr. CHRISTLIEB. I think the greatest principles of the congress were set down at its formation when it held the congress at UCLA on the campus, and it held such promise that afterwards it could continue, but it did not.

Mr. JACKSON. Aside from the political aspect of this branch of the Communist Party, were there discussions among the musicians as to what contribution they could make as a group toward assisting the Communist Party?

Mr. CHRISTLIEB. You mean within the party itself?

Mr. JACKSON. Yes; within the branch.

Mr. CHRISTLIEB. Actually, the quarrel divided the party itself into small groups that caucused among themselves, and I never sat in on one of those so I am not able to tell. I know that they did meet with the idea concerning what you have asked, but I was not a part of that.

Mr. JACKSON. What I am trying to arrive at was where were these groups of Communist musicians going, if anywhere? What was the ultimate goal they were seeking to achieve? Or was this simply a facet of the overall drive to capture an entire industry? It is still not quite clear to me just exactly what the ultimate goal was in terms of the Communist Party.

Mr. CHRISTLIEB. I see.

Mr. SCHERER. Membership? Dues?

Mr. JACKSON. Yes, aside from the obvious thing, such as the contribution which could be made financially, and culturally. We have the picture of the Soviet cultural arts. Was the intent to bring about in the United States such a situation as was described here several days ago by another witness?

(Representative Morgan M. Moulder returned to the hearing room at this point.)

Mr. CHRISTLIEB. Certainly prestige, of course. But then also, I think, one of the main objectives, too, was the establishment of a cultural musicians position in the Cabinet.

Mr. JACKSON. Did the discussions among the musicians in this branch go to the point that music should be of such a nature to carry a message, and should it be of the——

Mr. SCHERER. Wasn't that the next step? Didn't they have to get a strong organization first, Mr. Jackson?

Mr. JACKSON. That is what I am trying to determine.

Mr. SCHERER. They didn't get that far so they couldn't advocate the next step.

Mr. CHRISTLIEB. That is my interpretation of it.

Mr. SCHERER. That is his interpretation of it.

Mr. JACKSON. I have never been inside the door of a branch meeting, and I daresay I would never be able to get in one. But as between musicians there must have been some discussion of what contribution musicians, as such, could make to the Communist Party.

Mr. CHRISTLIEB. That is undoubtedly true. But, as I said before, I didn't come into it in time to enter into these discussions. I just saw the destructive part of it.

Mr. TAVENNER. Did Mischa Altman play any part in this controversy that arose?

Mr. CHRISTLIEB. I believe he did, judging from the attitude of the chairman.

Mr. TAVENNER. Can you tell us more definitely what Mischa Altman was endeavoring to accomplish which became the subject of the Musicians Congress?

Mr. CHRISTLIEB. I can't say specifically with regard to the congress, but I never knew Mischa Altman to not engage in some Marxist analysis of every situation, beginning with the handshake to the final goodbye, so I knew it must have taken place here.

Mr. TAVENNER. Can you define this controversy a little more clearly, the one that was taken to the section level of the Communist Party? What was that dispute which was presented to the section?

Mr. CHRISTLIEB. It seemed to me it was purely selfish motives. It was divided into perhaps two groups who were vying for the leadership as such, that is, the Communist leadership as such. And it seemed on a very personal level, to me, at all times.

Mr. TAVENNER. How was that connected with the Musicians Congress?

Mr. CHRISTLIEB. It didn't very well.

Mr. TAVENNER. You mean this fight for leadership?

Mr. CHRISTLIEB. This fight for leadership created considerable vacuum in the congress as such. It is one of the reasons it died.

Mr. TAVENNER. I understand you to say that there was a commission appointed on the section level to pass upon these matters.

Mr. SCHERER. He said they had a kangaroo court.

Mr. TAVENNER. Maybe it was a kangaroo court.

Mr. SCHERER. Where they were not allowed to plead the fifth amendment.

Mr. TAVENNER. Do you recall who sat on that court or commission?

Mr. CHRISTLIEB. It was at the home of a lady, I think, Marion Brooks. The others, other names there, I do not recall from the section as such.

Mr. TAVENNER. Were you there?

Mr. CHRISTLIEB. I was there.

Mr. DOYLE. May I interrogate the witness with one question?

In view of Mr. Scherer's observation a moment ago that he understood from your testimony that in these kangaroo courts there was no plea of the constitutional privilege. Is that correct?

Mr. CHRISTLIEB. That is correct.

Mr. DOYLE. You mean that within the Communist Party procedures where they were undertaking to correct or punish a witness was deprived of his constitutional rights to plead his constitutional privilege?

Mr. SCHERER. He had to answer or else. That has been the testimony all along about these things.

Mr. CHRISTLIEB. Actually, both sides submitted their testimony in writing, writings which were destroyed immediately afterwards, and no decision was ever handed down, to my knowledge.

Mr. DOYLE. Of course, I know the record will show that we have never had in my time of years on the committee, testimony under oath in any case where the Communist Party ever recognized the constitutional privilege of a member to plead any provision of the United States Constitution. In other words, the testimony universally in the United States before congressional committees is the Communist Party in its own procedures denies the right of an American citizen to plead any provision of the United States Constitution. And if I did not make it clear before my observation I want to say again that I want to compliment the rank and file of the musicians in Los Angeles who have resisted, and still resist, the efforts of the Communist Party in the Los Angeles area to take over and infiltrate and control the musical activities of the professional musicians for the sake of Communist Party doctrine instead of music for music's sake.

Mr. MOULDER. Are you ready, Mr. Tavenner?

Mr. TAVENNER. How long was it after this disagreement which broke up the Musicians Congress that you left the Communist Party?

Mr. CHRISTLIEB. I would say within the year, because the congress did fold the first of 1946.

Mr. TAVENNER. You have given us the names of the persons who were instrumental in getting you into the Communist Party and the names of the persons in whose homes the Communist Party met.

Will you at this time give us all the names you can recall of the persons who were members of the Communist Party between 1941 and 1946?

Before giving us those names, I want to state that in any case in which there is any doubt in your mind we do not want to hear that name. We want you to confine your testimony only to those whom you can positively identify in your own mind as members of the Communist Party at some time during that period.

Mr. CHRISTLIEB. All right.

Joseph Di Fiore.

Mr. TAVENNER. You may omit those you have already identified.

Mr. MOULDER. What was that name?

Mr. CHRISTLIEB. That was Di Fiore. I mentioned him before.

Mr. TAVENNER. You already identified him.

Mr. CHRISTLIEB. Lina Di Fiore, L-i-n-a.

Mr. TAVENNER. What relation to Joseph?

Mr. CHRISTLIEB. Wife.

Morris Browda.

Mr. TAVENNER. Spell the name, please.

Mr. CHRISTLIEB. B-r-o-w-d-a.

Mr. TAVENNER. How is the first name spelled ?

Mr. CHRISTLIEB. M-o-r-r-i-s.

Helen Colis, C-o-l-i-s.

Mr. TAVENNER. What was the first name?

Mr. CHRISTLIEB. H-e-l-e-n. And James Colis, her husband. Rubin Decker.

Mr. TAVENNER. His name has been mentioned.

Mr. CHRISTLIEB. Joe Eger.

Mr. TAVENNER. Will you spell the name, please?

Mr. CHRISTLIEB. E-g-e-r.

Mr. TAVENNER. How did you know him to be a member?

Mr. CHRISTLIEB. Meeting formally at homes.

Milton Feher.

Mr. TAVENNER. Spell the name, please?

Mr. CHRISTLIEB. F-e-h-e-r. First name M-i-l-t-o-n.

Sam Fordis, F-o-r-d-i-s.

Katherine Glasser, G-l-a-s-s-e-r. and Albert Glasser.

Mr. TAVENNER. They testified here yesterday.

PHILIP GOLDBERG. Victor Gottlieb.

Mr. CHRISTLIEB. Eudice Shapiro—

Mr. TAVENNER. Eudice Shapiro Gottlieb also appeared here as a witness.

Mr. CHRISTLIEB. Norman Granz.

Mr. TAVENNER. Spell it.

Mr. CHRISTLIEB. G-r-a-n-z. First name N-o-r-m-a-n.

Mr. TAVENNER. The last letter was "z"?

Mr. CHRISTLIEB. Z, correct.

Sid Greene, G-r-e-e-n-e.

Mr. TAVENNER. He also appeared.

Mr. SCHERER. He appeared as a witness and refused to testify.

Mr. CHRISTLIEB. Ramez Idriss.

Mr. TAVENNER. Will you spell that name, please?

Mr. CHRISTLIEB. I-d-r-i-s-s.

Milton Kestenbaum.

Mr. TAVENNER. Will you spell it, please?

Mr. CHRISTLIEB. K-e-s-t-e-n-b-a-u-m.

Mr. TAVENNER. He also appeared as a witness.

Mr. CHRISTLIEB. And Herbert Lessner, L-e-s-s-n-e-r. Edgar Lustgarten. L-u-s-t-g-a-r-t-e-n.

Lydia Marcus, M-a-r-c-u-s. Jean Musick, M-u-s-i-c-k, and Thelma Musick, wife. Herbert Offner, O-f-f-n-e-r.

Mr. TAVENNER. He appeared, too, as a witness, Mr. Scherer.

Mr. SCHERER. I remember him.

Mr. CHRISTLIEB. Jack Pepper, P-e-p-p-e-r.

Mr. TAVENNER. I believe you mentioned a man by the name of Pepper as the person in whose home you met. Is that the same person as Jack Pepper?

Mr. CHRISTLIEB. No, that is George Pepper in whose home we met.

Mr. TAVENNER. The one you are now naming is Jack Pepper? A different person?

Mr. CHRISTLIEB. Right.

And Wayne Ronka, R-o-n-k-a. Henry Roth and Esther Roth.

Mr. TAVENNER. I believe Mr. Roth appeared yesterday.

Mr. SCHERER. Mr. Roth appeared twice.

Mr. CHRISTLIEB. Ted Saidenberg. S-a-i-d-e-n-b-e-r-g.

Mr. TAVENNER. Do you know where Mr. Saidenberg is now?

Mr. CHRISTLIEB. I don't know where he is now, but I know that he travels.

Mr. TAVENNER. What is the basis of your identification of Mr. Saidenberg as a member of the Communist Party?

Mr. CHRISTLIEB. We met in his home in private meetings.

Mr. TAVENNER. Did you meet with him on more than one occasion in his home?

Mr. CHRISTLIEB. Several times; yes, sir.

Mr. TAVENNER. Do you recall where he lived?

Mr. CHRISTLIEB. In Beverly Hills. I don't recall the exact address.

Mr. TAVENNER. Can you give us further identifying information relating to him?

Mr. CHRISTLIEB. No, because he was not in very long. And I say, he did travel considerably. He was always on tour.

Mr. TAVENNER. Do you know whether he is now living in the city of New York?

Mr. CHRISTLIEB. I don't know.

Mr. TAVENNER. Was he an instrumentalist?

Mr. CHRISTLIEB. He was a pianist.

Mr. TAVENNER. Do you know whether he was married?

Mr. CHRISTLIEB. Yes, sir.

Mr. TAVENNER. Do you recall his wife's name? I am asking that only for a further identification of the man.

Mr. CHRISTLIEB. No, I don't remember.

Mr. TAVENNER. Do you know whether or not his wife was a member of the Communist Party?

Mr. CHRISTLIEB. I do not know that, sir.

Mr. TAVENNER. Proceed, please.

Mr. CHRISTLIEB. George Sandell.

Mr. TAVENNER. Spell the name Sandell.

Mr. CHRISTLIEB. S-a-n-d-e-l-l.

Sam Siegal, S-i-e-g-a-l. Seymour Sheklow, S-h-e-k-l-o-w. Alec Walden, W-a-l-d-e-n. Judith Poska, P-o-s-k-a. Sam Goldman, G-o-l-d-m-a-n. Larry Goldman. Edward Gruen, G-r-u-e-n. Kalman Bloch, B-l-o-c-h.

I believe that is it, sir.

Mr. TAVENNER. Will you tell the committee, please, your reasons for terminating your membership in the Communist Party?

Mr. CHRISTLIEB. I don't see how anyone can watch any organization fail completely in most of its objectives time after time and year after year and not question its origin, its reason for existence, and its basic principles. And with respect to the union itself, where the party was meant to be active, even the leftwing element moved with each failure further away from the party, left it isolated, so it was reduced to nothing but recruiting and literature and a study society. And to this very day if the word Communist or Commie is used on the union floor, the retching sounds that come out of the members make it sound like a vomitorium.

Mr. TAVENNER. In other words, you are stating that as far as your particular union is concerned that the Communist Party was ineffective in its efforts to control it?

Mr. CHRISTLIEB. Yes, sir. I think the formalism charges also brought by the Soviet Government against its composers should bring every musician here to testify.

Mr. SCHERER. I didn't understand that.

Mr. CHRISTLIEB. The formalism charges, you will recall, that were brought by the Soviet Government.

Mr. DOYLE. I did not get the last part of your answer, Witness.

Mr. CHRISTLIEB. Just reading that alone, musicians everywhere should, particularly here in Los Angeles, be willing to come here and come up and explain that position on that charge.

Mr. DOYLE. What do you mean by that?

Mr. CHRISTLIEB. I don't think it is defensible.

Mr. DOYLE. Tell us more about that? Why should the musicians in Los Angeles worry about any declaration by the Soviet Government in the field of music? Why should that worry you?

Mr. CHRISTLIEB. I think this has affected musicians all over the world. And certainly many musicians in the branch, and here, were asked to explain that position, and rather than explain it, they took the attitude, well, you have a censorship of your own methods of composing through your critic. I think that is rather ridiculous when you consider one to hold a critic against a government.

Mr. SCHERER. That is what Nikolai Khokhlov told us about so ably 2 days ago.

Mr. CHRISTLIEB. I believe along that same line in individual instances, where I had anything to do with forming chamber groups to play music for the arts and sciences and professions, I was reprimanded by Altman, Mischa Altman, for trying to play music of Stravinsky.

Mr. SCHERER. You were personally reprimanded?

Mr. CHRISTLIEB. That is correct.

Mr. SCHERER. What did they say to you at that time?

Mr. CHRISTLIEB. No excuse at that time. This was before formalism charges. This was only on the basis that Stravinsky was not being performed at that time.

Mr. SCHERER. Say that again. You were criticized for playing what?

Mr. CHRISTLIEB. The music of Stravinsky, Igor Stravinsky.

Mr. SCHERER. For what reason?

Mr. CHRISTLIEB. No reason other than the fact that his music was being ignored in the Soviet Union.

Mr. SCHERER. Being ignored in the Soviet Union.

Mr. JACKSON. Is it good music?

Mr. CHRISTLIEB. For me it is.

Mr. TAVENNER. Why was it being ignored in the Soviet Union at the time?

Mr. CHRISTLIEB. It could have been for very personal reasons. The man has been in this country for a considerable length of time now.

Mr. DOYLE. In other words, do I understand that—

Mr. CHRISTLIEB. As a citizen.

Mr. DOYLE. According to your testimony, Mr. Altman, one of the heads of the Communist Party cell of the musicians in Los Angeles,

and in the Congress of Musicians was telling you that because the music of this Russian composer was frowned upon in Soviet Russia at that time, not to play it in the United States?

Mr. CHRISTLIEB. It amounted to that, sir.

Mr. DOYLE. Is that correct?

Mr. CHRISTLIEB. That is correct.

Mr. JACKSON. Mr. Khokhlov testified also that that ban in the Soviet Union included Rachmaninoff. Was that also true in your experience?

Mr. CHRISTLIEB. I didn't know that, sir.

Mr. JACKSON. But you were told as a musician by a member of the Communist Party and a leader of your branch that such and such a musician's music was out of favor and you should not play it?

Mr. CHRISTLIEB. That is correct.

Mr. JACKSON. Whether you liked it or not?

Mr. CHRISTLIEB. That is correct.

Mr. DOYLE. In other words, Mr. Chairman, here is another case in the field of music, which is certainly the universal language, where the Soviet Communist Party was trying to dictate internationalwise what music should be played, and where, even in the United States, only the music should be played which had approval in Soviet Communist Russia.

Is that a fair statement, Mr. Witness?

Mr. CHRISTLIEB. Yes; it is.

Mr. SCHERER. When you were told not to do that, or reprimanded—you could not plead the first amendment either, could you?

(Representative Donald L. Jackson left the hearing room at this point.)

Mr. CHRISTLIEB. That is true.

Mr. SCHERER. Freedom of association and expression.

Mr. TAVENNER. Have you any other reasons that you would like to state as to why you left the Communist Party?

Mr. CHRISTLIEB. No, sir.

Mr. TAVENNER. Was any effort made to get you to rejoin the Communist Party after you left?

Mr. CHRISTLIEB. On several occasions, not more than 2 or 3, people from the party came to me and asked if I wanted to be in activity again.

Mr. TAVENNER. Who were they?

Mr. CHRISTLIEB. Anita Short and Herb Lessner.

Mr. TAVENNER. I have no further questions, Mr. Chairman.

Mr. MOULDER. Questions, Mr. Doyle?

Mr. DOYLE. Referring to this Communist Party cell among the musicians, did you testify as to where the cell met and that "they met in my own home"? Is that true?

Mr. CHRISTLIEB. Yes.

Mr. DOYLE. Is that correct?

Mr. CHRISTLIEB. That is correct.

Mr. DOYLE. And about how many times did this Communist cell of musicians meet in your home?

Mr. CHRISTLIEB. Many times, sir. I couldn't begin to guess.

Mr. DOYLE. Were each and every one of those Communist Party cell meetings in your home known to you to be closed Communist Party meetings?

Mr. CHRISTLIEB. That is correct.

Mr. DOYLE. Then your testimony which you have given is based upon the fact that you had more than just usual knowledge because they met in your own home right under your own roof?

Mr. CHRISTLIEB. That is right.

Mr. DOYLE. And on so many occasions you cannot enumerate them?

Mr. CHRISTLIEB. Yes, sir.

Mr. DOYLE. Is that correct?

Mr. CHRISTLIEB. Yes, sir.

Mr. DOYLE. You realize that probably there already are a few people in this room who have started calling you another informer, and criticizing you for coming today and testifying. You realize that, don't you?

Mr. CHRISTLIEB. Yes, sir.

Mr. SCHERER. Let's make it clear. He had no choice either. He was subpoenaed.

Mr. DOYLE. I know. But he had the choice of pleading the amendments the same as every other American citizen who isn't in the Communist Party or under their discipline.

Mr. SCHERER. I mean we appreciate his coming and cooperating. But I wanted to point out he just didn't come here voluntarily to testify.

Mr. DOYLE. May I make this observation at this point, Mr. Chairman: Here is another case—and there have been 2 or 3 others during these hearings—where men or women, former active Communist Party workers, retiring from the party because they got enough of it, have come forward to help the United States Congress to understand the problem.

I want to thank you for it.

One more question. I have never met you in my life before. I have never talked with you before. One reason this committee is here is that under Public Law 601, this is a subcommittee of a standing committee of nine of the Congress. Our assignment is to make investigations of the method, manner and extent to which the Communist Party or any other subversive outfit, whether it comes from the Soviet Union or any other place, undertakes to infiltrate and control any group of American citizens for the purpose of overthrowing our Government by force and violence.

I don't know what your answer will be. I don't know whether you have thought it through or not. But in these hearings I am primarily interested in trying to find out from you men who have been in the Communist Party, and are patriotic men and have gotten out for good cause, if you have anything to suggest to this committee which we might recommend to the United States Congress for either amending legislation, or new legislation, for handling the question of subversive activities in the United States? Have you any observation to make for our benefit in that field?

I realize you are a musician. Maybe you have not been thinking along that line.

Mr. CHRISTLIEB. I think I would not come to the full appreciation of what appearing before this committee has meant to me until I reflect on it later.

Mr. DOYLE. Anticipating that there might be a few here within hearing of our voices, a few outside, and certainly a few Communist

inspired papers and publications which will falsely report what has occurred here, charging you immediately with being a paid informer or a stool pigeon, will you state whether or not you have been paid or promised any payment or any inducement or any employment or anything else for testifying as you have today?

Mr. CHRISTLIEB. No, sir; this was entirely of my own volition.

Mr. DOYLE. Thank you.

Mr. SCHERER. And you came as a result of a subpoena issued by this committee compelling your attendance?

Mr. CHRISTLIEB. That is correct.

Mr. MOULDER. Is that all, Mr. Scherer?

Mr. SCHERER. That is all.

Mr. MOULDER. Mr. Christlieb, the committee wishes to express to you our sincere appreciation for your cooperation in giving us the information and such facts or knowledge as you have concerning Communist Party activities. We admire your courage and we sincerely appreciate your coming before us and giving us the facts as you know them to be.

Thank you very much.

The committee will stand in recess until 1:45 p. m.

(Whereupon, at 12:05 p. m., a recess was taken until 1:45 p. m., this same day; there being present Representatives Moulder, Doyle, and Scherer.)

AFTERNOON SESSION—FRIDAY, APRIL 20, 1956

(The subcommittee was reconvened at 2 p. m., upon the expiration of the recess; present: Representatives Moulder, Doyle, Jackson, and Scherer.)

Mr. MOULDER. The committee will be in order.

Will you call your next witness, Mr. Tavenner?

Mr. TAVENNER. Mr. Idriss.

Will you come forward, please, sir?

Mr. MOULDER. Hold up your right hand and be sworn.

Do you solemnly swear the testimony which you are about to give the committee will be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. IDRIS. Yes.

TESTIMONY OF RAMEZ IDRIS

Mr. TAVENNER. What is your name, please, sir?

Mr. IDRIS. Ramez Idriss.

Mr. TAVENNER. Will you spell your first name and last name?

Mr. IDRIS. R-a-m-e-z, is correct spelling of my first name, but I use R-a-m-e-y. The last name is I-d-r-i-s-s.

Mr. TAVENNER. Mr. Idriss, you were identified this morning by a witness as having been a member of the Communist Party. I understand you have consulted the staff and desire to appear voluntarily before the committee. Is that correct?

Mr. IDRIS. Yes.

When and where were you born?

Mr. IDRIS. New York City, 1911.

Mr. TAVENNER. Where do you now reside?

Mr. IDRIS. North Hollywood.

Mr. TAVENNER. What is your occupation or profession?

Mr. IDRIS. I am a musician and songwriter.

Mr. TAVENNER. How long have you been engaged in that profession?

Mr. IDRIS. Since 1943 as a songwriter. Since 1938 as a musician.

Mr. TAVENNER. Have you been identified as having been a member of the musicians branch of the Communist Party?

Mr. IDRIS. Yes.

Mr. TAVENNER. You may proceed with whatever statement you desire to make to the committee regarding that.

Mr. IDRIS. Well, that is true. I was a member and I cannot remember exactly the date that I joined. I think it was somewhere around 1939 or 1940. Previous to having joined, I have been active in my musicians union politics, but was not a very astute person politically. It was kind of a—well, my background had been one of not being very important, and when I got into the union it was about the first thing ever happened to me that made me feel a little bit forward. And I got into the musicians' union, and I met people who seemed to be pretty clear-thinking and aware, and to me this was something where possibly I could learn something.

I went in and was very active in the election of Spike Wallace for president, and I had been in the union previous to that when Jack Tenney had been elected and then defeated. And at that time I felt that this was just an intelligent approach to trying to do better in our union.

I had studied in school, I had studied civics, and enjoyed civics, but I guess I hadn't grown up enough to actually be very forward myself.

When we had the election in the union I was a hard worker. I would do the leg work hard for the election of Spike Wallace. And as a result of that I suppose I became interesting to the people with whom I was later associated.

It was about 1939 or 1940 that I was taken into the Communist Party. At that time I felt that it was a sincere effort to do something for the world and for our country.

As to activities that I engaged in, I went to meetings. I could not tell you where because they were in various houses. And we did things like forming committees. We formed the original Hollywood Canteen Committee. And conservation of tires was one of the things that was so important, and all of the sort of activities which I felt were congruent with our winning the war.

In 1946 or thereabouts I had moved from the area that I lived in which put me in the musicians branch, to another area. I was transferred to another branch out in the valley. I couldn't tell you where. It was way in someplace and gone, and I attended 1 or 2 meetings there.

About that time work was kind of bad and I had started thinking about—just something happened to me where it seemed that I wasn't doing anything for myself. I was just going along and doing as I was told. And at the same time a very simple thing made me decide to leave the Communist Party. I had been pressed for work at the time. I was not economically secure. And in spite of this, I had repeated efforts made to collect dues from me, which I didn't have.

And all of a sudden it hit me very clearly that if this party was supposed to be for the brotherhood of man it was a very funny way of showing it to expect me to pay dues when I didn't have it. And I got out.

Mr. TAVENNER. That was in 1946?

Mr. IDRIS. I would say it was in 1946. I cannot be sure of the date because I have forgotten it since then and have tried to forget the whole thing.

Mr. TAVENNER. Can you give us the names of the persons who were associated with you in the musicians branch, that is, the first group that you were a member of?

Mr. IDRIS. This would be a very difficult thing, for this reason: There were many people with whom I associated in the musicians union, and some of them were active in the union itself, and I do not know that they were in the branch. It was a large branch and I couldn't be sure of all of the names. There are a few names I might be able to give you. I certainly should know the name of the person who took me in. That was Mischa Altman.

Mr. TAVENNER. Who were the leaders of this group in the Communist Party, that is, persons who took the most active part, after you became a member?

Mr. IDRIS. I remember Carroll Hollister, Joe DiFiore, Henry Roth.

Mr. TAVENNER. What was the last name?

Mr. IDRIS. Roth. I seem to recall the name Edmund Gruen, and I cannot be sure.

Mr. TAVENNER. If there is a name that you are not sure of, I don't—

Mr. IDRIS. I am not. He was in the union and might not have been connected with the party.

Mr. TAVENNER. I understand the individual was identified by other testimony this morning, so I will not ask that it be stricken.

Mr. IDRIS. It is hard to remember.

Mr. TAVENNER. Is there anything else you desire to say to the committee?

Mr. IDRIS. These people whom I have just named, they are people whom I had a lot of respect for at one time. And probably they right now are somewhere in this room and they probably don't think too much of me. But I just feel that they are wrong. And I feel that I have come up here because I have nothing to gain or lose. I sincerely want to say to all the people I was associated with that when I felt that it was a good thing to be in the Communist Party I was in it. Right now I don't feel it is a good thing and I haven't felt it since I got out, or I wouldn't have gotten out. And I think that when I think of the effort we put in, if we worked just as damn hard—and sure there is a lot of things wrong with our American Government. A lot of times Congressmen are wrong. A lot of times guys are thieves, like we saw in the war when they tried them. Damn it, they got them. I would like to see us just go ahead and work for our own country.

Mr. TAVENNER. I have no further questions, Mr. Chairman.

Mr. MOULDER. Mr. Doyle?

Mr. DOYLE. No questions.

Mr. MOULDER. Mr. Jackson?

Mr. JACKSON. You voluntarily approached a member of the staff to make this statement?

Mr. IDRIS. I was told that I was going to be identified and I said that I wanted to clear myself.

Mr. JACKSON. Do you feel better?

Mr. IDRIS. Yes, I do.

Mr. JACKSON. I congratulate you on your decision. I think it was a very wise decision and I would hope it would be followed by others in the same predicament who went into the Communist Party, got out of it, and have had nothing to do with it since. I think they would feel a lot better in their own minds if they got it off their chests.

Thank you very much.

Mr. MOULDER. Mr. Scherer, do you have any questions?

Mr. SCHERER. No; I have none.

Mr. MOULDER. Call the next witness.

Mr. TAVENNER. Mr. Joseph DiFiore.

Mr. MOULDER. Hold up your right hand and be sworn.

Do you solemnly swear the testimony which you are about to give before the committee will be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. DiFiore. I do.

TESTIMONY OF JOSEPH DiFIORE, ACCOMPANIED BY COUNSEL, ARTHUR A. BROOKS, JR.

Mr. TAVENNER. What is your name, please, sir?

Mr. DiFiore. Joseph DiFiore.

Mr. TAVENNER. Will counsel accompanying the witness please identify himself for the record?

Mr. BROOKS. Arthur A. Brooks, Jr.

Mr. TAVENNER. When and where were you born, Mr. DiFiore?

Mr. DiFiore. New York City, 1906.

Mr. TAVENNER. Will you spell your name, please, sir?

Mr. DiFiore. D-i-F-i-o-r-e.

Mr. TAVENNER. What was the date of your birth?

Mr. DiFiore. 1906.

Mr. TAVENNER. Do you now reside in Los Angeles?

Mr. DiFiore. I do, sir.

Mr. TAVENNER. How long have you resided here?

Mr. DiFiore. Twenty years.

Mr. TAVENNER. What is your profession?

Mr. DiFiore. A musician.

Mr. TAVENNER. How long have you been engaged professionally in that work?

Mr. DiFiore. I would say the past 30 years as a musician.

Mr. TAVENNER. What has been your formal educational training?

Mr. DiFiore. I attended the schools of New York, taking some selective courses at New York University. I graduated and did post-graduate at the Institute of Musical Art, Juilliard School of Music. (The witness confers with his counsel.)

Mr. TAVENNER. Were you a member of branch O of the northwest section of the Communist Party in Los Angeles, sometimes referred to as the musicians branch of the Communist Party?

Mr. DiFIORE. Mr. Tavenner and members of this committee, I do not think that this committee has the right to inquire into my private beliefs and associations and therefore I must decline to answer on constitutional grounds, including the first and fifth amendments.

Mr. TAVENNER. Do you have any personal knowledge of a plan by the Communist Party to use its members who were musicians to circulate petitions in Los Angeles to place the Independent Progressive Party on the ballot in 1948?

Mr. DiFIORE. Again I must decline to answer on the grounds previously stated.

Mr. TAVENNER. I hand you a document marked for identification as "DiFiore Exhibit No. 1."

It is a photostatic copy of an Independent Progressive Party petition bearing date of January 31, 1948, at the end of which, is an affidavit over the name of Joseph DiFiore. Will you examine that, please, and state whether or not the name appearing at the bottom of the affidavit is your name and whether it is your signature?

(Document handed to the witness and his counsel.)

(The witness confers with his counsel.)

Mr. DiFIORE. I shall decline to identify any signature on any document that you may present me on the grounds of the first and fifth amendments.

Mr. TAVENNER. I offer the document in evidence and ask that it be marked "Joseph DiFiore Exhibit No. 1."

Mr. MOULDER. Without any objection, it is so admitted.

(This exhibit is similar to "Kalman Bloch Exhibit No. 1", p. 3957 and will not be reproduced in the printed record. It is on file in the committee's records.)

Mr. TAVENNER. Mr. Chairman, this affidavit, as the others, shows that the individual named, Joseph DiFiore, circulated the petition and obtained the signatures thereon.

Are you now a member of the Communist Party?

Mr. DiFIORE. Again I must say that you have no right to inquire into my beliefs and associations. But I will state that I am not a member of the Communist Party.

Mr. TAVENNER. Were you a member of the Communist Party at the time that the subpoena was served on you to appear before this committee?

Mr. DiFIORE. I must invoke the same amendments, the first and fifth.

(The witness confers with his counsel.)

Mr. DiFIORE. I must decline to answer on the grounds of the first and fifth amendments.

Mr. TAVENNER. Were you a member of the Communist Party at the beginning of this hearing which was on Monday of this week, today being Friday?

Mr. DiFIORE. I must decline to answer on the grounds previously stated.

Mr. TAVENNER. Were you a member of the Communist Party yesterday?

Mr. DiFIORE. I must decline to answer on the grounds previously stated, sir.

Mr. TAVENNER. Is it just Fridays that you are not a member of the Communist Party?

Mr. DiFIORE. I decline to answer.

Mr. TAVENNER. I have no further questions.

Mr. DiFIORE. On the grounds of the first and fifth amendments.

Mr. MOULDER. Any questions, Mr. Doyle?

Mr. DOYLE. I think in connection with the witness' testimony that we have no right to inquire, I want to read one short paragraph from the decision of *Quinn v. United States*, which is a recent decision of May 23, 1955.

The Supreme Court said, and I quote :

There can be no doubt as to the power of Congress, by itself or through its committees, to investigate matters and conditions relating to contemplated legislation. This power, deeply rooted in American and English institutions, is indeed coextensive with the power to legislate. Without the power to investigate—including of course the authority to compel testimony, either through its own processes or through judicial trial—Congress could be seriously handicapped in its efforts to exercise its constitutional function wisely and effectively.

May I say to the witness, in view of your answer that you are not now a member of the Communist Party, I don't mean to impute any lack of good faith on your part: But may I ask so as to clear it in my own mind and on the record, are you in any way today, which is the day you said you are not a member of the Communist Party, in any relationship directly or indirectly to again be a member of the Communist Party at some future date. Or are you completely free from any conscious awareness of being in any way tied up with the Communist Party philosophy? Is that a fair question?

(The witness confers with his counsel.)

Mr. DiFIORE. Mr. Doyle, I have no intention of joining the Communist Party.

Mr. DOYLE. I want to compliment you.

Mr. MOULDER. Is that all, Mr. Doyle?

Mr. DOYLE. That is all.

Mr. MOULDER. Mr. Jackson?

Mr. JACKSON. I have no questions.

Mr. MOULDER. Mr. Scherer?

Mr. SCHERER. No questions.

Mr. MOULDER. The witness is excused.

Mr. TAVENNER. Mr. Edgar Lustgarten.

Mr. MOULDER. Hold up your right hand and be sworn, please.

Do you solemnly swear that the testimony which you are about to give will be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. LUSTGARTEN. I do.

Mr. MOULDER. Proceed, Mr. Tavenner.

TESTIMONY OF EDGAR LUSTGARTEN, ACCOMPANIED BY COUNSEL, EDMUND W. COOKE

Mr. TAVENNER. What is your name, please, sir?

Mr. LUSTGARTEN. Edgar Lustgarten.

Mr. TAVENNER. Will you spell your last name?

Mr. LUSTGARTEN. L-u-s-t-g-a-r-t-e-n.

Mr. TAVENNER. Will counsel accompanying the witness please identify himself for the record?

Mr. COOKE. Edmund Cooke, C-o-o-k-e.

Mr. TAVENNER. When and where were you born, Mr. Lustgarten?

Mr. LUSTGARTEN. I was born April 14, 1916, in Chicago, Ill.

Mr. TAVENNER. Where do you now reside?

Mr. LUSTGARTEN. I reside in Los Angeles.

Mr. TAVENNER. How long have you been a resident of Los Angeles?

Mr. LUSTGARTEN. There was a period in which I left Los Angeles. I was here about 5 months between the time I was discharged from the Army and I went to St. Louis for a period of 3 years from July or June until 1949 when I returned to Los Angeles. I have been in Los Angeles since 1949.

Mr. TAVENNER. You were in St. Louis for 3 years prior to that?

Mr. LUSTGARTEN. Three years, yes.

Mr. TAVENNER. What was the nature of your employment while living in St. Louis?

Mr. LUSTGARTEN. I was solo cellist in the St. Louis Symphony.

Mr. TAVENNER. What has been your profession and your employment since you came to California in 1949?

Mr. LUSTGARTEN. I have been employed under contract at a movie studio here.

Mr. TAVENNER. Were you in California prior to your taking employment in St. Louis?

Mr. LUSTGARTEN. I was discharged from the service in 1945 and I was here for a period of about 4 or 5 months. That was in December of 1945. I left in May of 1946.

Mr. MOULDER. May I interrupt to ask, you say you were discharged from the service. Do you mean from the Armed Forces?

Mr. LUSTGARTEN. That is right.

Mr. MOULDER. As a member of the Armed Forces of the United States, for what period of time did you serve?

Mr. LUSTGARTEN. I enlisted in December 1942 and was honorably discharged in December of 1945.

Mr. MOULDER. What branch of the service?

Mr. LUSTGARTEN. Army Air Corps.

Mr. TAVENNER. Prior to 1942, where did you reside?

Mr. LUSTGARTEN. New York City.

Mr. TAVENNER. What was your employment there?

Mr. LUSTGARTEN. I was a member of the NBC Symphony Orchestra there since its inception, which was 1937.

Mr. TAVENNER. Will you tell the committee, please, what your formal educational training has been?

Mr. LUSTGARTEN. I attended grammar school and high school in Chicago and then I, at the same time, attended the Chicago Musical College and the American Conservatory of Music in Chicago. I left then to continue my musical studies in New York where I went to the Institute of Musical Art and I took some related courses at Columbia University.

Mr. TAVENNER. When did you complete that work at Columbia University?

Mr. LUSTGARTEN. That was approximately 1935.

Mr. TAVENNER. Will you tell the committee, please, whether or not you performed any services for what is known as Branch O of the Northwest Section of the Communist Party in Los Angeles, also known as the Musicians Branch of the Communist Party?

Mr. LUSTGARTEN. I decline to testify on the grounds of the fifth amendment of the Constitution and the Bill of Rights.

Mr. TAVENNER. Did you assist in any manner in recruiting persons to that Communist Party organization?

Mr. LUSTGARTEN. I will have to give the same answer to that, sir.

Mr. JACKSON. For the same reason?

Mr. LUSTGARTEN. For the same reason.

Mr. MOULDER. You mean you decline to answer for the same reasons?

Mr. LUSTGARTEN. Yes.

(The witness confers with his counsel.)

Mr. TAVENNER. Were you a member of the Musicians Branch of the Communist Party during that part of 1945 when you were in Los Angeles?

Mr. LUSTGARTEN. Well, I was in the Army in 1945.

Mr. TAVENNER. You stated that you were here 5 months in 1945 before going to St. Louis.

Mr. LUSTGARTEN. I think the record will show that that was in 1946.

Mr. TAVENNER. In 1946?

Mr. LUSTGARTEN. Yes.

Mr. TAVENNER. Where did you serve in the United States Army?

Mr. LUSTGARTEN. I was a member of the Army Air Forces Radio Production Unit.

Mr. TAVENNER. Where were you stationed?

Mr. LUSTGARTEN. That was in Santa Ana, Calif.

Mr. TAVENNER. How far is that from Los Angeles?

Mr. LUSTGARTEN. I guess about 60 miles. I am not sure. About an hour and a half.

Mr. TAVENNER. I understand it is about 35 miles.

Mr. LUSTGARTEN. I was figuring round trip, I guess.

Mr. TAVENNER. Were you a member of the Communist Party at the time you were stationed in that vicinity, and while in the Armed Forces?

Mr. LUSTGARTEN. I refuse to testify for the grounds previously stated.

Mr. TAVENNER. When you say the 5 months of time that you were in this area was in 1946, I thought you meant 1945. Were you a member of the Musicians Branch of the Communist Party during that period in 1946?

Mr. LUSTGARTEN. I would have to decline for the reasons stated.

Mr. TAVENNER. Are you now a member of the Communist Party?

Mr. LUSTGARTEN. I am not a member of the Communist Party.

Mr. TAVENNER. Have you been a member of the Communist Party at any time while in Los Angeles, between 1949 and the present time?

Mr. LUSTGARTEN. I decline to testify on the grounds of the 1st and 5th amendment of the Constitution.

Mr. TAVENNER. Were you a member of the Communist Party yesterday?

Mr. LUSTGARTEN. The same grounds, the same reasons.

Mr. TAVENNER. You refuse to answer?

Mr. LUSTGARTEN. Yes, sir.

Mr. TAVENNER. I have no further questions.

Mr. MOULDER. Any questions, Mr. Doyle?

MR. DOYLE. May I ask you the same question I asked the witness just ahead of you, whether or not there is any reservation or limitation on today as to whether or not you have any obligations, directly or indirectly, moral or otherwise, to be a member of the Communist Party at any future date, tomorrow, or a week from tomorrow, or a year from tomorrow?

(The witness confers with his counsel.)

MR. LUSTGARTEN. I have no intention of becoming a member of the Communist Party.

MR. DOYLE. I want to compliment you.

At this point, Mr. Chairman, in view of the fact that this witness and so many witnesses have pleaded constitutional privileges, the 1st and 5th amendments, may I read one short paragraph from a brief filed in the Supreme Court of the United States by the American Bar Association. Certainly we lawyer members of the committee, and the lawyers who appear in this hearing room with these witnesses, should take a good deal of stock in what the American Bar Association files with the Supreme Court. May I just read this at this point? I think it is important that we get it in the record. I read from page 7, and this is in the case of *Communist Party of the United States of America, Petitioner, v. Subversive Activities Control Board*:

The Communist Party—petitioners' contention that the act violates its freedom of speech under the first amendment is without merit. Section 1 of the act eliminates any basis for such argument.

By no sane or sound construction of the act can it be deemed to control freedom of thought or of speech or to apply to radical espousal or radical organizations unless they result from foreign domination of the Communist movement. No organization and no individual—however radical but not so dominated—is encompassed by this act. Nor is any person or organization prevented from advocating any change, however far reaching, however unsound, however obnoxious, through change in our Constitution.

Article V of the Constitution provides one of the greatest of all rights—possibly even the greatest—that of the people to effect any change in our Government by the adoption of appropriate amendment to the Constitution. Orderly change in the Government by choice of the people is not one of the basic concepts of communism, which espouses rather subversion and violent resolution. In no country that communism dominates has it achieved power by the free choice of its people—not even in Russia.

MR. MOULDER. Mr. Jackson?

MR. JACKSON. No questions.

MR. MOULDER. Any questions, Mr. Scherer?

MR. SCHERER. No questions.

MR. MOULDER. The witness is excused.

Call the next witness, please, Mr. Tavenner.

MR. TAVENNER. Mr. Morris Boltuch.

MR. MOULDER. Hold up your right hand and be sworn.

Do you solemnly swear the testimony which you are about to give before the committee will be the truth, the whole truth, and nothing but the truth, so help you God?

MR. BOLTUCH. I do.

MR. MOULDER. Proceed, Mr. Tavenner.

TESTIMONY OF MORRIS BOLTUCH, ACCOMPANIED BY COUNSEL, DANIEL G. MARSHALL

MR. TAVENNER. What is your name, please, sir?

MR. BOLTUCH. Morris Boltuch.

Mr. TAVENNER. Will you spell both your first and last names?

Mr. BOLTUCH. M-o-r-r-i-s B-o-l-t-u-c-h.

Mr. TAVENNER. Will counsel please identify himself for the record?

Mr. MARSHALL. Daniel G. Marshall.

Mr. TAVENNER. When and where were you born, Mr. Boltuch?

Mr. BOLTUCH. I was born May 17, 1921, in Winnipeg, Canada.

Mr. TAVENNER. When did you first come to the United States?

Mr. BOLTUCH. I entered the United States at the age of 5 or 6 months.

Mr. TAVENNER. And you have lived in the United States since that time?

Mr. BOLTUCH. Yes.

Mr. TAVENNER. Are you a naturalized American citizen?

Mr. BOLTUCH. Yes.

Mr. TAVENNER. When were you naturalized?

Mr. BOLTUCH. February 25, 1946.

Mr. TAVENNER. Where?

Mr. BOLTUCH. At New York City.

Mr. TAVENNER. You were living in New York City at that time, I assume?

(The witness confers with his counsel.)

Mr. BOLTUCH. Would you repeat the question, please?

Mr. TAVENNER. You were living in New York City at that time, I assume?

Mr. BOLTUCH. Yes.

Mr. TAVENNER. How long had you been living there?

Mr. BOLTUCH. I was under contract with the New York Philharmonic Symphony Orchestra from October 1944 until May or June of 1948.

Mr. TAVENNER. Where did you reside after June 1948?

Mr. BOLTUCH. Los Angeles.

Mr. TAVENNER. What is your profession now?

Mr. BOLTUCH. I am a musician.

Mr. TAVENNER. Have you been engaged in the practice of your profession in Los Angeles since 1948?

Mr. BOLTUCH. Yes.

Mr. TAVENNER. Had you lived in Los Angeles at any time prior to June 1948?

Mr. BOLTUCH. I first came to Los Angeles in 1929.

Mr. TAVENNER. How long did you live here, then?

Mr. BOLTUCH. I lived here until I went to the Curtis Institute of Music in Philadelphia in 1940.

Mr. TAVENNER. How long were you residing in Philadelphia?

Mr. BOLTUCH. Approximately 1942, during which time I appeared with the Philadelphia Opera, the Baltimore Symphony, and the Robin Hood Dell Orchestra.

Mr. TAVENNER. Where did you reside between 1942 and 1944 when you took your contract in New York City?

(The witness confers with his counsel.)

Mr. BOLTUCH. I was in the National Symphony of Washington, D. C., in 1943, I think it was.

Mr. TAVENNER. Did you reside at any other place between 1942 and 1944?

(The witness confers with his counsel.)

Mr. BOLTUCH. Well, to the best of my recollection, I would say that I had come back to Los Angeles to visit my parents on occasion.

Mr. TAVENNER. Your parents' home was in Los Angeles?

Mr. BOLTUCH. Yes.

Mr. TAVENNER. Did you engage in the practice of your profession at any time between 1942 and 1944 in Los Angeles?

(The witness confers with his counsel.)

Mr. BOLTUCH. As far as I can recall, I don't—I mean, as far as I can remember I don't remember any musical engagements in that period. But I am sure you could check that.

Mr. TAVENNER. Did you reside in the city of New York at any period other than between 1944 and June 1948?

(The witness confers with his counsel.)

Mr. BOLTUCH. May I ask what the pertinency of this is?

Mr. TAVENNER. You will have to assume that it is pertinent or I wouldn't ask it.

(The witness confers with his counsel.)

Mr. BOLTUCH. My counsel advises me that if it is pertinent you should explain that to me.

Mr. TAVENNER. Mr. Chairman, may I ask the witness be directed to answer the question?

Mr. MOULDER. What is the question?

Mr. TAVENNER. The question is whether or not the witness lived at any time in the city of New York other than between 1944 and June 1948.

(The witness confers with his counsel.)

Mr. BOLTUCH. I really would appreciate your explaining to me the pertinency of this. I have given you these years where I have been. I think I have been quite proper in identifying at this point.

Mr. JACKSON. Does counsel have a definite purpose in ascertaining this period of time?

Mr. TAVENNER. Yes.

Mr. JACKSON. Other than obtaining a complete year-by-year chronology there is a definite purpose?

Mr. TAVENNER. Yes.

Mr. JACKSON. Very well. I ask your direction for an answer.

(The witness confers with his counsel.)

Mr. BOLTUCH. I would like to know the pertinency of this. If you can state it perhaps you can make me recollect something.

Mr. JACKSON. Do you have any recollection of whether or not you—

(The witness confers with his counsel.)

Mr. BOLTUCH. Please explain the pertinency of this.

Mr. JACKSON. No. I have asked counsel. He states that he has a purpose in asking it. Therefore I ask the witness be directed to answer the question.

Mr. DOYLE. So do I make the same request.

Mr. BOLTUCH. Mr. Chairman, please explain the pertinency. I wasn't given, I wasn't told that I had to bring a whole biographical sketch here. I don't know exactly where I was, exactly. I was traveling.

Mr. MOULDER. The witness is directed to answer if you can recall whether or not you did reside in New York at any other period of time.

(The witness confers with his counsel.)

Mr. SCHERER. The hesitancy of answering on the part of the witness indicates Mr. Tavenner's question is pertinent.

Mr. MARSHALL. What does it indicate, Mr. Scherer? It doesn't indicate anything at all. You don't even know it does.

Mr. JACKSON. Regular order.

Mr. MARSHALL. Stop fooling around.

Mr. MOULDER. Mr. Marshall, let's proceed in an orderly fashion.

(The witness confers with his counsel.)

Mr. BOLTUCH. You put me in the position where I am forced to decline to answer this question.

Mr. JACKSON. You are not forced to decline.

Mr. BOLTUCH. Until I hear the pertinency of it.

Mr. JACKSON. Do you decline to answer? You are under no compulsion to answer or to refuse to answer. You have a choice which you are going to pursue. But there is no compulsion.

(The witness confers with his counsel.)

Mr. BOLTUCH. Mr. Chairman, what is the pertinency of this? Mr. Tavenner says he knows the pertinency. Why can't he tell me this?

Mr. MOULDER. You have the right to answer the question or to decline to answer the question.

(The witness confers with his counsel.)

Mr. MOULDER. I say you are directed to answer the question, unless you desire in good faith to decline to answer on the basis of the first or fifth amendment or some other provision of the Constitution or other legal grounds.

Mr. BOLTUCH. Well, it is possible that I was in New York in 1943. I am not absolutely positive about this. It is also possible—I also know that I made a vacation trip to New York. I don't remember what year that was.

Mr. JACKSON. As I recall the question, it was did you reside in New York at any time other than the dates you gave.

Did you reside in the sense that you had a residence in New York?

(The witness confers with his counsel.)

Mr. BOLTUCH. I still would like to hear the pertinency of all this.

Mr. SCHERER. He is doing that now at the direction of his counsel, and his counsel has heard—

Mr. MARSHALL. Of course he is.

Mr. SCHERER. Keep quiet a minute.

Mr. MARSHALL. Don't shut me up. Don't talk to me that way.

Mr. SCHERER. You keep quiet. You know the rules of this committee.

Mr. MARSHALL. I will take my directions from the chairman. You don't talk to me that way, either.

Mr. JACKSON. Regular order.

Mr. SCHERER. Mr. Chairman, I was saying that you have told this witness 4 or 5 times that the pertinency of the question is not involved. You directed him to answer. He has asked you 4 or 5 times at the direction of counsel what pertinency does the question have. We have settled that. Let's move along.

(The witness confers with his counsel.)

Mr. MOULDER. Let's proceed, Mr. Tavenner.

Mr. TAVENNER. Does the witness refuse to answer?

(The witness confers with his counsel.)

Mr. TAVENNER. I think he has been given every reasonable opportunity to answer.

Mr. BOLTUCH. I possibly was in New York, living in New York, in 1943.

Mr. TAVENNER. At any time other than 1943?

Mr. BOLTUCH. No.

(The witness confers with his counsel.)

Mr. TAVENNER. Where did you reside in 1943?

Mr. MARSHALL. Just a minute.

(The witness confers with his counsel.)

Mr. MARSHALL. May we have that last answer read?

Mr. Chairman, may I have it read?

Mr. MOULDER. Yes.

(Whereupon, the record was read by the reporter as follows:)

Question. At any time other than 1943?

Answer. No.

Mr. BOLTUCH. I would like to amend that to "so far as I now remember."

Mr. TAVENNER. Were you a member of the Communist Party at any time prior to 1944 while in the city of New York?

(The witness confers with his counsel.)

Mr. BOLTUCH. As you know, by my identification, I am a musician. That has been my whole life. I have spent my life trying to bring a little joy to people.

(The witness confers with his counsel.)

Mr. BOLTUCH. If I were to answer this question in the way that you would like to hear me, I would have to go against my religion, which—

Mr. TAVENNER. We only want the truth.

Mr. BOLTUCH. Which would not allow me to be an informer. I therefore am declining to answer this question on legal grounds, using that amendment which guarantees to the people of this country freedom of speech, thought, association, the first amendment, and on further grounds that amendment in which an innocent man cannot be denied due process of law and be compelled to be a witness against himself, the fifth amendment.

Mr. MOULDER. As I understand it, you use as a reason for declining to answer, the first and fifth amendments.

Mr. BOLTUCH. My previous answer stands.

Mr. MOULDER. You say your religion prevents you from being an informer?

(The witness confers with his counsel.)

Mr. MOULDER. Did you say religion?

Mr. BOLTUCH. I said religion, the Jewish religion.

Mr. MOULDER. Very well. Proceed, Mr. Tavenner.

Mr. TAVENNER. You know when you say that you are making a false statement with regard to the Jewish religion, do you not?

(The witness confers with his counsel.)

Mr. MARSHALL. Mr. Chairman, we are getting into a very dangerous area with respect to this subject, and I ask the chairman to request counsel to withdraw that question. That is a very dangerous area, one that this committee has no concern with.

Mr. JACKSON. I ask the chairman to prevent counsel from making speeches in violation of the rules. The committee will judge what areas are dangerous and what areas are not dangerous.

Mr. MARSHALL. The committee is not the sole judge.

Mr. JACKSON. It requires no enlightenment from you.

Mr. MARSHALL. I think it does from the caliber of that question.

Mr. JACKSON. I am going to ask, Mr. Chairman, and I am going to insist, so long as I sit further as a member of this subcommittee, that at any further outburst, or comment from counsel, he be removed from the committee room. Either counsel comports himself in accordance with the established rules of this committee or he leaves the committee room.

Mr. MOULDER. In accordance with the rules of the committee, the motion as made by Mr. Jackson will of necessity have to be sustained. I sense that there may be a deliberate plot or plan to inject religion into the course of conduct of the hearings. And, as I say, it has no place in this proceeding. But let's proceed from here, Mr. Tavenner.

Mr. MARSHALL. Is the question withdrawn?

Mr. MOULDER. Let's proceed, Mr. Tavenner.

Mr. TAVENNER. Will you remove your hand so that the gentleman may answer the question?

Mr. MARSHALL. May I reply to Mr. Tavenner or—

Mr. JACKSON. No.

Mr. MOULDER. As stated by Mr. Jackson you are well aware of the rules of this committee. It does not permit counsel to address the committee or to engage in arguments with any member of the committee or with counsel. You have the right to advise and consult with your client, advise him on questions of law arising in connection with the questions that might be propounded to him. Otherwise, of course, it is not an ordinary procedure and you are well aware of that.

Mr. DOYLE. Mr. Chairman, may I read rule VII, which Counsel Marshall is well aware of:

The participation of counsel during the course of any hearing and while the witness is testifying shall be limited to advising said witness as to his legal rights. Counsel shall not be permitted to engage in oral argument with the committee, but shall confine his activity to the area of legal advice to his client.

Mr. JACKSON. Mr. Chairman, before counsel proceeds, lest we do become involved in some argument or debate which is foisted upon the committee, I would request that this area be no further explored in questioning. It is not in the proper province of the committee, and I am confident that had it not been brought up by a witness, it would not have been mentioned during the course of this hearing.

Mr. DOYLE. That is correct, certainly.

Mr. TAVENNER. Will you tell the committee, please, whether you had a Communist Party membership transferred from the city of New York to Los Angeles?

(The witness confers with his counsel.)

Mr. BOLTUCH. Would you repeat the question, please?

Mr. TAVENNER. Did you have your Communist Party membership transferred from the city of New York to Los Angeles?

Mr. BOLTUCH. This is the same type of question you asked before, and I am going to decline for the same reasons.

Mr. TAVENNER. Did you affiliate with the musicians branch of the Communist Party in Los Angeles?

Mr. BOLTUCH. The same question, the same answer, the same legal grounds.

Mr. MOULDER. Is that the first and fifth amendments you are claiming?

Mr. BOLTUCH. I think the record will show exactly what it is.

Mr. TAVENNER. Are you now a member of the Communist Party?

Mr. BOLTUCH. I refuse to answer that question on the same grounds.

Mr. TAVENNER. I have no further questions, Mr. Chairman.

Mr. DOYLE. No questions.

Mr. JACKSON. No questions.

Mr. MOULDER. Mr. Scherer, do you have any questions?

Mr. SCHERER. No.

Mr. MOULDER. The witness is excused.

Call your next witness, Mr. Tavenner.

Mr. TAVENNER. Philip Goldberg.

Mr. MOULDER. Hold up your right hand and be sworn.

Do you solemnly swear that the testimony which you are about to give before the committee will be the truth, the whole truth, and nothing but the truth, so help you, God?

Mr. GOLDBERG. I do.

Mr. MOULDER. Proceed, Mr. Tavenner.

TESTIMONY OF PHILIP GOLDBERG, ACCOMPANIED BY COUNSEL, RICHARD L. RYKOFF

Mr. TAVENNER. What is your name, please, sir?

Mr. GOLDBERG. Philip Goldberg.

Mr. TAVENNER. Will counsel accompanying the witness please identify himself for the record?

Mr. RYKOFF. Yes. Richard L. Rykoff, R-y-k-o-f-f.

Mr. TAVENNER. When and where were you born, Mr. Goldberg?

Mr. GOLDBERG. Philadelphia, Pa., August 27, 1918.

Mr. TAVENNER. Do you now reside in Los Angeles?

Mr. GOLDBERG. That is correct.

Mr. TAVENNER. How long have you resided here?

Mr. GOLDBERG. From the middle of 1949 to the present.

Mr. TAVENNER. In what profession are you engaged?

Mr. GOLDBERG. I am a musician.

Mr. TAVENNER. Did you practice your profession prior to 1949, and if so where?

Mr. GOLDBERG. Yes; would you like a rundown on it?

Mr. TAVENNER. Yes; and give also your formal educational training while doing so.

Mr. GOLDBERG. Public school education in Philadelphia; graduate of Curtis Institute in 1941; member of the All American Youth Orchestra under Stokowski, North American tour. At this point I came to Los Angeles, June of 1941, as a member of the Janssen Symphony. I worked for major motion picture studios, enlisted in the Army Air Corps in 1943, mustered out in 1946 in the East. First viola staff NBC radio in Philadelphia; first viola Philadelphia La-Scala Opera Co.; free-lance in New York, 1947 to 1949; Broadway shows, I was a relief viola in NBC Symphony; viola appearances WNYC; Brooklyn Museum, and other extensive appearances in the concert field.

In 1949, about May, I believe, I came to Los Angeles again as a member of the Los Angeles Philharmonic, and then a member of the Paramount Pictures Recording Orchestra. At the present time I am a free-lance violist in the studios if this committee doesn't interfere with my right to work in this field and first violist in the Los Angeles Chamber Symphony.

Mr. TAVENNER. You have been in the area of Los Angeles on two occasions, one between 1941 and 1942, and the other from 1949 until the present, is that correct?

Mr. GOLDBERG. From 1941 to 1943. I went into the Army in 1943.

Mr. TAVENNER. In this latter period, from 1949 to the present time, have you been a member of the Musicians Branch of the Communist Party in Los Angeles?

Mr. GOLDBERG. I am going to decline to answer that question. And I wish to state that I do so of my own free will, not urged to or compelled to. I searched my own conscience, and I believe that the only recourse open to a man who doesn't have the back of a question mark is to decline to answer that question on the grounds that this committee is probing into areas that I feel are not within its jurisdiction. I decline on the basis of the first and fifth amendments.

Mr. TAVENNER. Were you a member of the Musicians Branch of the Communist Party in Los Angeles between 1941 and 1943?

Mr. GOLDBERG. You know the answer to that one, Mr. Tavenner. I have sat here for several days hearing testimony, and a man who will—

Mr. TAVENNER. Yes; I think I know.

Mr. GOLDBERG. A man who will decline to answer on your first question will certainly decline on every other basis within this area of discussion.

Mr. MOULDER. I am interested in your statement you made to counsel that he might know the answer to that question.

Would you submit to counsel answering the question for you?

Mr. GOLDBERG. Yes.

Mr. JACKSON. Do you decline to answer the question?

Mr. GOLDBERG. I do so on the same grounds previously stated.

Mr. TAVENNER. Are you now a member of the Communist Party?

Mr. GOLDBERG. I decline also on the same grounds for the reasons stated.

Mr. TAVENNER. I have no further questions.

Mr. MOULDER. Questions, Mr. Doyle?

(Representative Donald L. Jackson left the hearing room at this point.)

Mr. DOYLE. In view of your statement that you have sat here in the hearing room several days, therefore you must have heard able musicians other than yourself?

Mr. GOLDBERG. Most able.

Mr. DOYLE. I beg your pardon?

Mr. GOLDBERG. Most able and most respected.

Mr. DOYLE. That is right.

You have heard other able, most respected musicians who have cooperated with the committee and who have stated that at one time they were members of the Communist Party. They have informed this committee of their activities in the Communist Party as members

of the musicians' group. Now, I presume that the people whom you classify as men with a question mark for a back are the able musicians who also have been members of distinguished orchestras and musical groups. Am I wrong? Do you classify?

Mr. GOLDBERG. I was referring in the question mark to a geometrical design in which they do not stand like men with straight backs and defy this committee.

Mr. DOYLE. I see. Then you classify the members of your own high profession who have testified and cooperated with this committee as not men. Is that your classification of your fellow musicians?

Mr. GOLDBERG. I will not discuss my fellow musicians with you, Mr. Doyle.

Mr. DOYLE. I can see the opinion you have of your fellow musicians who have testified to help the United States Congress. You have identified them for me all right. But I also recognize them as I do you, members of a most valuable group of citizens, lending a lot of joy and happiness to the world, because you have heard me say here that I recognize music as a universal language. But I am disappointed in you, one fine musician, coming in and condemning other fine musicians on the ground that they are not men because they cooperated with the United States Congress. That is what you have done.

Mr. GOLDBERG. The only recourse open to me, and the only criterion for being a friendly witness before this committee is to name names.

Mr. DOYLE. I am not criticizing you if you plead your amendment in good faith. But I do criticize you for condemning and criticizing other distinguished musicians for doing what they felt was their conscientious duty in good faith. I am surprised.

Mr. GOLDBERG. I would like to say, Mr. Doyle, that if there is such to-do about looking for subversion, I would suggest that you create 10 committees like this to go down into the South and see about the difficulties and the denial of rights of millions of Negroes down there and a member of our own Congress who has defied the Supreme Court ruling. I respect my institutions. I respect the Constitution. I respect the Supreme Court.

Mr. DOYLE. If you will look out for the subversion in the musicians group not too far from you, maybe you will find some closer at hand in years past.

But may I say again, I am disappointed in you, a high-class artist in music, condemning, bawling out, and criticizing other distinguished musicians because they have done what they conscientiously believe to be right, the same as you say you have. Why don't you let the other man have his rights in America, too?

Mr. GOLDBERG. Mr. Doyle, I am disappointed in you who seem to have had a fairly good labor record to come here and pillory individuals, innocent individuals like myself.

Mr. DOYLE. I am proud of my labor record.

Mr. GOLDBERG. I am just as patriotic as you.

Mr. DOYLE. I don't deny that. I am proud of my labor record as an American Congressman.

Mr. MOULDER. Any questions, Mr. Scherer?

Mr. SCHERER. No.

Mr. MOULDER. The witness is excused.

The hearing will stand in recess for 5 minutes.

(Whereupon, a short recess was taken, there being present Representatives Moulder, Doyle, and Scherer.)

(The subcommittee was reconvened upon the expiration of the recess: Present Representatives Moulder, Doyle, Jackson, and Scherer.)

Mr. MOULDER. The committee will be in order.

Mr. TAVENNER. Will you come forward, Mr. Joe Eger, please, sir?

Mr. MOULDER. Hold up your right hand and be sworn, please, Mr. Eger.

Do you solemnly swear the testimony which you are about to give before the committee will be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. EGER. I do, Mr. Moulder.

TESTIMONY OF JOSEPH EGER, ACCOMPANIED BY COUNSEL, WILLIAM M. BRINTON

Mr. EGER. May I make a brief statement?

Mr. MOULDER. Do you have a written statement prepared?

Mr. EGER. Yes.

Mr. MOULDER. You may file it with the committee.

Under the rules it is prohibited to read any statements.

Mr. EGER. Thank you.

Mr. TAVENNER. Will you state your name, please, sir?

Mr. EGER. Joseph Eger.

Mr. TAVENNER. Will you spell your last name?

Mr. EGER. E-g-e-r.

Mr. TAVENNER. Will counsel accompanying the witness please identify himself for the record?

Mr. BRINTON. William M. Brinton, B-r-i-n-t-o-n.

Mr. TAVENNER. Of what bar?

Mr. BRINTON. San Francisco bar, sir.

Mr. TAVENNER. When and where were you born, Mr. Eger?

Mr. EGER. July 9, 1920, Hartford, Conn.

Mr. TAVENNER. Where do you now reside?

Mr. EGER. In Los Angeles.

Mr. TAVENNER. How long had you been a resident of Los Angeles?

Mr. EGER. Roughly about 10 years.

Mr. TAVENNER. In what profession are you engaged?

Mr. EGER. I am a musician.

Mr. TAVENNER. Have you practiced your profession during the entire time that you have been a resident of this area?

Mr. EGER. Yes, I have.

Mr. TAVENNER. Will you tell the committee, please, what your formal educational training has been?

Mr. EGER. I went through public schools in Parnassus, Pa., Pittsburgh, Pa.; graduated high school there, and went as a full scholarship student to the Curtis Institute and graduated there, and I spent one summer also on a full scholarship at Tanglewood in the Berkshires.

Mr. TAVENNER. What date?

Mr. EGER. What date was what, Mr. Tavenner?

Mr. TAVENNER. The date of the last place you attended.

Mr. EGER. Tanglewood was in 1941.

Mr. TAVENNER. Will you tell the committee, please, what knowledge you have, if any, of an effort made or a plan made by the Communist Party to procure musicians to circulate petitions of the Independent Progressive Party of California in 1948 for the purpose of putting that party on the ballot in California?

(The witness confers with his counsel.)

Mr. EGER. Mr. Tavenner and gentlemen of the committee, I would like to say at the outset that I am not a Communist, and it has been a long time since I have done anything of a strictly political nature. I feel that there is nothing I have ever done for which I need be ashamed.

Mr. JACKSON. Mr. Chairman, may I inquire as to whether or not the witness is reading the statement which he was informed previously could be inserted in the record?

Mr. EGER. Yes, Mr. Jackson. I was just saying this as a way of replying to you. I didn't answer your question as "Yes." I am only—I said in the statement what is the truth. And I was only refreshing my memory as to what to answer to the question Mr. Tavenner placed.

Mr. JACKSON. I didn't gather that your opening remarks were at all responsive to the question which has been asked by counsel.

Mr. EGER. Could you repeat it, please?

Mr. TAVENNER. My question was whether or not you have any knowledge of an effort made by the Communist Party, or of the existence of a Communist Party plan to have musicians in Los Angeles, that is, Communist Party musicians in Los Angeles, circulate a petition of the Independent Progressive Party in California for placing that party on the ballot in 1948?

(The witness confers with his counsel.)

Mr. EGER. I must decline to answer with the privilege of self-incrimination.

Mr. JACKSON. Specifically are you relying on the provisions of the fifth amendment? I am asking that for your own protection in order that the record may reflect exactly what constitutional grounds you are taking.

Mr. EGER. The question may lead to incrimination, self-incrimination.

(The witness confers with his counsel.)

Mr. TAVENNER. Marked for identification only as "Joseph Eger Exhibit No. 1," I hand you a photostatic copy of the Independent Progressive Party of California petition which has an affidavit at the end of it over the name of Joseph Eger, bearing date the 13th day of January 1948. I now ask you whether or not it is your name that appears in that affidavit, and whether or not you signed it.

(Document handed to the witness and his counsel.)

(The witness confers with his counsel.)

Mr. EGER. Mr. Tavenner, I decline to identify my signature on the grounds that I previously stated.

Mr. TAVENNER. Mr. Chairman, I offer in evidence the document marked "Joseph Eger Exhibit No. 1."

Mr. MOULDER. As requested by counsel, the document so marked is admitted.

(This exhibit is similar to Kalman Bloch exhibit No. 1, p. 3957, and will not be reproduced in the printed record. It is on file in the committee's records.)

Mr. TAVENNER. Mr. Chairman, an examination of the affidavit discloses that the affiant states that he circulated the petition and obtained the signatures appearing thereon.

(The witness confers with his counsel.)

Mr. TAVENNER. In January 1948, the date of the petition that I presented to you, were you a member of the musicians branch of the Communist Party in Los Angeles?

Mr. EGER. May I have 30 seconds to answer that question?

Mr. MOULDER. You may have 30 seconds to answer the question; yes.

(The witness confers with his counsel.)

Mr. EGER. I would be perfectly willing to discuss anything about myself, past, present, and future. However, I have been informed by counsel that to do so would involve others and get others into bad trouble. I do—

Mr. TAVENNER. Just a moment. I have told you this committee would make no bargains.

Mr. EGER. Pardon?

Mr. TAVENNER. I have told you that this committee would make no agreements.

Mr. EGER. I am asking for none.

Mr. TAVENNER. I think you have misquoted me.

Mr. EGER. You didn't let me finish my statement.

Mr. MOULDER. The witness has been allotted 30 seconds, which have already been consumed. We will give you 30 seconds more to answer the question.

Mr. EGER. I decline to answer that question on the grounds as previously stated.

Mr. BRINTON. Mr. Chairman, may I address myself to the previous question?

Mr. MOULDER. The rules prohibit counsel from addressing the committee or to engage in any argument concerning any question propounded. And the witness has declined to answer and has claimed the privilege under the first and fifth amendments, as I understand it.

Mr. TAVENNER. I take it from what you have said you are not now a member of the Communist Party, is that correct?

Mr. EGER. That is correct.

Mr. TAVENNER. Were you a member of the Communist Party when the subpoena was served on you for your appearance here?

Mr. EGER. No; I was not.

Mr. MOULDER. Have you ever been a member of the Communist Party?

Mr. EGER. Mr. Moulder, I wish it were possible to answer all questions about myself without involving others, but I understand the law states that once I open the door I must involve others. I play a French horn. In order to play a French horn, you must keep your head up. I couldn't live with myself or keep my head up if I got others in trouble.

Mr. MOULDER. I asked you the question. Do you decline to answer the question?

Mr. BRINTON. Would you repeat the question, please?

Mr. MOULDER. I asked him if he had ever been a member of the Communist Party.

(The witness confers with his counsel.)

Mr. EGER. I am sorry, I must decline to answer that on the basis that I might subject myself to prosecution and on the grounds previously stated, self-incrimination.

Mr. TAVENNER. Were you a member of the Communist Party on January 1, 1950?

(The witness confers with his counsel.)

Mr. EGER. I must decline to answer on the same grounds.

Mr. TAVENNER. Were you a member of the Communist Party on January 1, 1953?

(The witness confers with his counsel.)

Mr. EGER. The same answer, the same grounds.

Mr. TAVENNER. Were you a member of the Communist Party on January 1, 1956?

(The witness confers with his counsel.)

Mr. EGER. The same answer, the same grounds.

Mr. TAVENNER. Then sometime between January 1, 1956, and the service of the subpoena on you, you ceased to be a member of the Communist Party?

Mr. EGER. That is an assumption that you draw, Mr. Tavenner.

Mr. TAVENNER. It is the only assumption from your testimony. You were not a member of the Communist Party on the date that the subpoena was served on you. Is there anything that occurred that caused you to change your status between 1948 and the time the subpoena was served on you for your appearance here?

(The witness confers with his counsel.)

Mr. EGER. I must decline to answer on the grounds of the privilege against self-incrimination.

Mr. TAVENNER. I have no further questions.

Mr. MOULDER. Any questions, Mr. Doyle?

Mr. DOYLE. Whatever the cause or factors which changed your position or status I want to compliment you on getting into the status where you can honestly say today that you are not a member of the Communist Party.

I want to say this, too, and I think, Mr. Chairman, we should say to this witness as to the circulation of these petitions in 1948 by Communist Party members, the musicians group and others, to obtain sufficient signatures from California voters to qualify the IPP as a legal party in California, there were some 11,000 signatures obtained in Los Angeles County, as I recall it. And I know very well that those people had no idea that those petitions were being circulated, as has been testified under oath they were, by in the main, members of the Communist Party in California. The evidence is abundant that the IPP in California was initiated, furthered, and used by the Communist Party in California as another front to obtain their unworthy objectives. And I am going to assume, as our counsel did, there was a time when you were a member of the Communist Party. It is the only assumption I can draw. And I want to compliment you on getting out of that garbage can if you ever were in the garbage can.

Mr. MOULDER. Any questions, Mr. Jackson?

Mr. JACKSON. Mr. Chairman, I want to associate myself to a certain degree with our distinguished colleague, from California, Mr. Doyle, in complimenting the witness on having gotten out of the Communist

Party, and also upon his distinguished counsel for the manner of representation of his client. But I do think that we should make it very clear that moral scruples are not a legal ground for refusing to answer questions. It has been so found in the courts, for declining to answer on the basis of the fifth amendment. I think we would make a very serious mistake, Mr. Chairman, if we permitted witnesses to take the stand to make a very limited statement respecting their own activities and then to draw the line. The purpose of the committee, the purposes of the Congress, would be defeated in such an instance.

As far as I am concerned, anyone who fails to cooperate completely and fully with the committee has not cooperated. And I want my position on that matter to be made very clear in the record.

Mr. MOULDER. Mr. Scherer?

Mr. SCHERER. I have no questions.

Mr. MOULDER. Is there anything further, Mr. Tavenner?

Mr. TAVENNER. No, sir.

Mr. MOULDER. The witness is excused.

Mr. BRINTON. It is my understanding that the statement previously submitted in writing will be included as a part of the record. Is that correct?

Mr. MOULDER. It will be filed in the record. It will not become a part of the written testimony.

Mr. BRINTON. I see. Thank you.

Mr. MOULDER. The next witness, please.

Mr. TAVENNER. Mr. Kalman Bloch.

Mr. MOULDER. Will you please hold up your right hand and be sworn.

Do you solemnly swear that the testimony which you are about to give before the committee will be the truth, the whole truth, and nothing but the truth, so help you, God?

Mr. BLOCH. I do.

TESTIMONY OF KALMAN BLOCH, ACCOMPANIED BY COUNSEL, ROSE S. ROSENBERG

Mr. TAVENNER. What is your name, please, sir?

Mr. BLOCH. Kalman Bloch.

Mr. TAVENNER. Will counsel accompanying Mr. Bloch please identify herself for the record?

Mrs. ROSENBERG. Rose S. Rosenberg, b-e-r-g.

Mr. TAVENNER. Will you spell both your first and last names, Mr. Bloch?

Mr. BLOCH. K-a-l-m-a-n B-l-o-c-h.

Mr. TAVENNER. When and where were you born?

Mr. BLOCH. 1913 in New York.

Mr. TAVENNER. Where do you now reside?

Mr. BLOCH. Los Angeles.

Mr. TAVENNER. How long have you been a resident of Los Angeles?

Mr. BLOCH. Since 1937.

Mr. TAVENNER. What is your profession?

Mr. BLOCH. I am a musician.

Mr. TAVENNER. Have you practiced your profession since 1937 in the area of Los Angeles?

Mr. BLOCH. Yes. I have been solo clarinetist of the Los Angeles Philharmonic since then.

Mr. TAVENNER. Will you tell the committee, please, what your formal educational training has been.

Mr. BLOCH. Yes, sir, I will.

I studied in the New York City elementary schools. I attended NYU for 3 years and with more supplementary education at Columbia and UCLA. I received a scholarship grant from the New York Philharmonic which enabled me to study clarinet with the solo clarinetist there, who was the outstanding man in his field.

I played for 4 years in the International Orchestra of New York.

I teach extensively, and was one of the first to institute the free scholarship idea in the Los Angeles school system.

I do frequent solo and chamber music performance with leading chamber music groups, and have appeared frequently as soloist with the Philharmonic and Hollywood Bowl Orchestras.

(The witness confers with his counsel.)

Mr. BLOCH. Oh, I said this previously but I think it goes in order now. I have been for 19 years a solo clarinetist of the Philharmonic and Hollywood Bowl Orchestras.

Mr. TAVENNER. Mr. Bloch, will you state whether or not you have any personal knowledge of an effort made by the Communist Party in Los Angeles to induce musicians who were members of the Communist Party to circulate petitions in 1948 of the Independent Progressive Party of California to place that party on the ballot?

Mr. BLOCH. I must decline to answer that question on the first and fifth amendments.

Mr. TAVENNER. I hand you a document marked for identification as "Kalman Bloch Exhibit No. 1."

It is a photostatic copy of an Independent Progressive Party or California petition, at the end of which there is an affidavit of a person by the name of Kalman Bloch as the affiant. I ask you to examine it and to state whether or not that is your name as the affiant, and whether or not you signed the name.

(Document handed to the witness and his counsel.)

Mr. BLOCH. I must decline to answer this question on the first and fifth amendments.

Mr. TAVENNER. I desire to offer the document in evidence, marked "Kalman Bloch Exhibit No. 1."

Mr. MOULDER. The document so marked by counsel is admitted in evidence. (See p. 3957.)

Mr. BLOCH. Is it not a possibility, within my rights as a citizen, to petition at any time?

Mr. TAVENNER. Yes, you have a perfect right to do that.

My question was whether or not you knew of the existence of a Communist Party plan to cause you to do it.

Mr. BLOCH. I am sorry. I refer to my previous answer.

Mr. TAVENNER. I would be very happy if you would explain it.

Mr. BLOCH. I still must refer to the previous answer.

Mr. TAVENNER. Mr. Chairman, the document bears the date February 6, 1948, and, the affidavit, as in the other exhibits, recites that the affiant circulated and obtained the signatures in the document.

KALMAN BLOCH EXHIBIT No. 1

IPPC 419

INDEPENDENT PROGRESSIVE PARTY OF CALIFORNIA
 PETITION TO
 PARTICIPATE IN THE PRIMARY ELECTION JUNE 1, 1948

Circulated in the County (or City and County) of Los Angeles

STATE OF CALIFORNIA.

County (or City and County) of Los Angeles } ss.

TO THE HONORABLE SECRETARY OF STATE OF THE STATE OF CALIFORNIA:

We, the undersigned, registered, qualified electors of the State of California, residents of the County (or City and County) of Los Angeles State of California, present to the Secretary of State of the State of California this Petition and declare that we represent a political party, the name of which is INDEPENDENT PROGRESSIVE PARTY OF CALIFORNIA, which party said electors desire to have participate in the Primary Election to be held on June 1, 1948.

NAME	RESIDENCE		Date of Signing	Precinct
	Street and Number	City or Town		
1				
2				
3				
49				
50				

STATE OF CALIFORNIA.

County (or City and County) of Los Angeles } ss.Kalman Bloch

, being first duly sworn, deposes and says:

I am, and during all the time while soliciting signatures as hereinafter set forth was a qualified and registered elector of the above named County (or City and County) of Los Angeles and of the State of California: I am the person who solicited the signatures to the attached and foregoing Petition; all the signatures to the attached section were made in my presence and upon the date shown after each signature, and at the time each signer signed his name to said Petition he also affixed thereto his residence as above stated, and the date of said signing, and said signatures were solicited

by me within the above named County (or City and County) of Los Angeles; and to the best of my knowledge and belief, each signature to the said section is the genuine signature of the person whose name it purports to be.

Kalman Bloch O.K.

3914 Franklin Ave

Los AngelesCalif

1267

Subscribed and sworn to before me this 6 day of

February 1948
[Signature]

Notary Public in and for the County (or

City and County) of Los Angeles

State of California.

My Commission Expires June 18, 1951

Will you tell the committee, please, whether or not on February 6, 1948, you were a member of branch O of the northwest section of the Communist Party, usually referred to as the musicians branch of the Communist Party?

Mr. BLOCH. I should like to say that this question, I think, implies that I am disloyal and not a trustworthy citizen.

I would like to tell you about my long career as first clarinetist of the Philharmonic Orchestra. Not only my musicianship but my moral and ethical conduct, my loyalty, my feeling of cooperation in the group, my devotion not only to the music but to my colleagues were quite open for their appraisal, and I am sure that each colleague of mine would bear me out, would vouch for me in this, that I am a man, that I have always been devoted to music, I abhor violence and never in my life have I done anything I am ashamed of.

I feel that the question is a dangerous one for me to answer. So I must rely on the fifth amendment which protects me against any prosecution.

Mr. MOULDER. You decline to answer, and, as your reason for declining to answer, you claim the privilege under the fifth amendment. Is that right?

(The witness confers with his counsel.)

Mr. BLOCH. Another really essential—

Mr. MOULDER. You did not answer.

As I understand, you decline to answer the question propounded by claiming your protection provided by the fifth amendment.

Mr. BLOCH. Yes.

May I take 1 minute to further complete the answer.

Mr. JACKSON. I am not quite clear. You have declined to answer on that ground. Is that correct?

Mr. BLOCH. I have declined.

Mrs. ROSENBERG. May he be permitted to complete his answer? He says he has not yet completed.

Mr. MOULDER. Hasn't he claimed the privilege?

Mrs. ROSENBERG. He has not completed his answer. May he do so, and give his grounds?

Mr. MOULDER. As I understand, the witness has claimed the privilege under the fifth amendment. That just about settles it. He declines to answer the question.

Mrs. ROSENBERG. It may settle it, if I may say so, in your mind. The witness would like to complete that answer.

Mr. JACKSON. The regular order.

The witness claimed the provisions of the fifth amendment, and also preceded it by considerable remarks. And I think that he was given every opportunity to put his point across before taking the amendment.

I would ask for regular order.

(The witness confers with his counsel.)

Mr. MOULDER. Proceed, Mr. Tavenner.

Mr. TAVENNER. I hand you a document marked "Kalman Bloch Exhibit No. 2" for identification only.

It is a photostatic copy of an affidavit of registration bearing date the 22d day of April 1948, of a person whose name appears to be Kalman Bloch, showing an intention to affiliate with the Independent Progressive Party. Will you examine it, please, and state whether the

name appearing there is the name of Kalman Bloch and whether it is your signature?

Mr. BLOCH. Don't you feel I have the right to join any legal party like the Progressive Party?

(Document handed to the witness.)

Mr. TAVENNER. If it is your contention or your position that your action in that respect had nothing to do with the Communist Party plan which has been described in this hearing, why, of course, I assume that you would say so. Certainly there would be nothing wrong about it. Many other people did. But we are trying to find out the connection of the Communist Party with this.

(The witness confers with his counsel.)

Mr. BLOCH. I am sorry. I must refuse to answer on the basis of the first and fifth amendments.

Mr. TAVENNER. I desire to offer the document in evidence, marked "Kalman Bloch Exhibit No. 2."

Mr. MOULDER. The document so marked by counsel is admitted in evidence. (See p. 3960.)

Mr. DOYLE. Mr. Chairman, as long as the witness has asked that question of counsel—whether or not he did not have the right to join the Independent Progressive Party, which became a legal party—I want the record to show at this point that I am sure I recognize the right of any American citizen to be a member of any legal political party.

But in this situation there should be a differentiation because we are investigating, Mr. Bloch, the extent to which the Communist Party of California secretly, underground by a preconceived program, had its members circulate these petitions without revealing to the people whom they asked to sign the fact that it was the Communist Party subversively doing it, to create indirectly at least a branch of the Communist Party program.

I want you, as a fellow citizen, to understand that that is the reason in my book that you are being asked that question, because the evidence clearly shows not only in this hearing but in other California hearings by former top leaders of the IPP in California, by top officers, that they were deliberately put in by the Communist Party action of California.

And, since the Communist Party has been outlawed, as defined by Congress and the courts, as a conspiracy, we certainly have the duty to go into the extent to which this conspiracy filtered into the political situation in California, the same as it did in many others—

Mr. MOULDER. Let's have order, please.

Anyone responsible for the demonstration should be removed from the hearing room, if the officers can properly identify the persons so responsible.

Mr. DOYLE. Including the Musicians Congress in Los Angeles, which, under oath again, was defined as a Communist Party means of trying to take control of the musicians branch in Los Angeles.

Mr. BLOCH. Counsel, is there a question pending?

Mr. MOULDER. May I ask you this question:

Much has been said—and we have heard the testimony and considerable evidence regarding Communist Party control and domination over the Independent Progressive Party.

KALMAN BLOCH EXHIBIT No. 2

STATEMENT OF TRANSFER OR CHANGE OF NAME

I last registered under the name of

Change of Party

I last registered it and removed from

No. _____ Street _____

Precinct _____

I hereby authorize the cancellation of said registration.

ORIGINAL

LOS ANGELES CITY PRECINCT NO. *1267*

STATE OF CALIFORNIA,

COUNTY OF LOS ANGELES,

} SS.

AFFIDAVIT OF REGISTRATION.

The undersigned affiant, being duly sworn, says: I will be at least twenty-one years of age at the time of the next succeeding election, a citizen of the United States ninety days prior thereto, and a resident of the State one year, of the County ninety days, and of the Precinct forty days next preceding such election, and will be an elector of this County at the next succeeding election.

1. I have not registered from any other precinct in the State since January 1, 1936.

(If applicant has so previously registered, mark out the word "not" and fill out the appropriate blanks at the top of the affidavit.)

2. My full name is *KALMAN BLOCH*

(Including Christian or given name, and middle name or initial, and in the case of women, the prefix Miss or Mrs.)

3. My residence is *3914 Franklin Ave*

(Name street or road. If remote from both, then give Sec., Twp., and Range.)

between *St George and Radio Streets*

Floor, Room _____

My mailing address is *3914 Franklin Ave*4 A Zone *27*4. My occupation is *Musician*

9. I intend to affiliate at the ensuing primary election with the

5. My height is *5* feet *7* inches.*Independent Progress Party.*6. I was born in *New York*

(State or Country)

7. I acquired citizenship by *(If a native born citizen you need not answer question No. 7.)*

a. Decree of Court.

b. Father's naturalization.

c. Mother's naturalization.

d. Citizenship of father.

e. Marriage to a citizen prior to September 22, 1922.

f. Naturalization of my husband prior to September 22, 1922.

g. Act of Congress.

h. By treaty.

CANCELED

TRANSFER *C. P. DEN.*DEATH ☐Date *3-21-54*

BENJAMIN S. HITE Register of Voters

W. M. Stewart ELO

(when) _____ (where) _____

(Month)

(Day)

(Year)

(City)

(State)

My father's name is (was) _____

mother's

husband's

(To be filled out when citizenship depends on citizenship or naturalization of parent or husband.)

8. I can _____ read the Constitution in the English language; I can _____ write my name; I am entitled to vote by reason of having been on October 10, 1911 ☐ a. At election, or ☐ b. More than sixty years of age.

I can _____ mark my ballot by reason of

(State physical disability, if any.)

Kalman Bloch

(Affiant sign here)

3914 Franklin Ave

(Street Address)

Subscribed and sworn to before me this

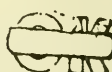
22 day of *April*, 194*8*.

M. J. DONOGHUE, Registrar of Voters,

By *Alvin K. MacDonald*

Deputy Registrar of Voters.

E 926478/



Precinct by

Expended by

Approved by

Do you have any information or knowledge concerning the plans or activities of the Communist Party or any of its leaders or agents to create, dominate, or control the Independent Progressive Party?

(The witness confers with his counsel.)

Mr. BLOCH. I refuse to answer, claiming the first and fifth.

Mr. MOULDER. Proceed, Mr. Tavenner.

Mr. TAVENNER. Are you a member of the Communist Party at this time?

Mr. BLOCH. I am going to answer that question. However, I feel that such a question, that inquires into one's political and religious beliefs, is an infringement on my right as a loyal American citizen.

Mr. MOULDER. Of course, we are not inquiring into your religious beliefs, Mr. Bloch.

Mr. BLOCH. No. All right.

Mr. TAVENNER. Or your political beliefs either.

Mr. JACKSON. Nor your political beliefs either.

Mrs. ROSENBERG. May this witness be permitted to answer that question?

Mr. MOULDER. Yes; the witness may proceed to answer the question.

Mr. BLOCH. Also, in view of my long-standing association with the Los Angeles Philharmonic, and especially on the eve of their good-will tour to the Orient, could it not have come about that these questions be asked me in private?

Why such an open forum?

So that the philharmonic could receive unnecessary criticism?

Mr. JACKSON. The philharmonic is receiving no criticism. No one has suggested a single word of criticism.

Mr. BLOCH. I didn't mean to use the word "criticism." I am sorry. I meant publicity.

Mr. JACKSON. Very well.

I don't know that the philharmonic orchestra has received any unfavorable publicity. The fact that there may have been in the orchestra several individuals previously identified as members of the Communist Party, under oath by witnesses, in no way reflects upon the philharmonic orchestra. Nor could the board of directors have been expected to have known the presence of members of the Communist Party in the philharmonic.

The effort to bring the philharmonic into this is crystal clear as an effort to confuse the situation.

Mr. BLOCH. I am not trying to confuse the situation.

I feel this, that the symphony being a community organization——

Mr. SCHERER. Wait a minute. Regular order.

Mrs. ROSENBERG. Mr. Chairman, the witness said he wanted to answer the question.

Mr. MOULDER. Let's have order. Please let us have order.

The gracious lady knows the rules of the committee. Is there a question pending, Mr. Tavenner?

Mr. TAVENNER. He has answered the last question I asked him.

Mrs. ROSENBERG. He has not answered the last question, Mr. Chairman.

May I request, on behalf of my client, that he be permitted to answer the question?

It is a simple request to make. You asked him to come here and talk, and he would like to.

Mr. JACKSON. In accordance with the rules of the committee, I would ask that on the occasion of the next remark by counsel directed to any member of the committee or counsel, she be requested to leave the room with her client, if necessary.

Mr. BLOCH. I will just take 10 seconds and give you a satisfactory answer to this question.

I felt strongly about the publicity that may have been given to the philharmonic.

Mr. SCHERER. Mr. Chairman, I want regular order. The question is, Is he a member of the Communist Party now? He can answer that or take the fifth amendment.

Mr. MOULDER. The witness is directed to answer the question.

Mr. BLOCH. I feel strongly about my reputation in the philharmonic.

Mr. SCHERER. We agree that it is, as you state, a very fine reputation. You can help it by answering the question.

Mrs. ROSENBERG. May he be permitted to do so?

Mr. MOULDER. The question is whether or not the witness is now a member of the Communist Party.

Mr. BLOCH. No.

Mr. TAVENNER. That is the question.

Mr. MOULDER. Proceed and move along.

Mr. TAVENNER. Have you made application to the State Department for a passport to travel in a foreign country?

Mr. BLOCH. Yes, I have.

Mr. TAVENNER. When did you make that application?

Mr. BLOCH. With the entire philharmonic group about 2 months ago.

Mr. TAVENNER. About 2 months ago?

Were you a member of the Communist Party at that time?

Mr. BLOCH. No.

Mr. TAVENNER. Was the passport issued to you?

Mr. BLOCH. Yes.

Mr. TAVENNER. Do you still have it?

Mr. BLOCH. Yes.

Mr. SCHERER. How long before you made the application did you cease to be a member of the Communist Party?

Mr. BLOCH. A false assumption.

I refuse to answer the question on the grounds of the first and fifth amendments.

Mr. SCHERER. Were you a member of the Communist Party the day before you made the application?

You said you were not a member of the Communist Party on the day you made application for passport, because in that passport the question is asked whether or not you are a member of the Communist Party, and I assume that you answered that question "No."

I am asking whether or not you were a member of the Communist Party the day before you made the application?

Mr. BLOCH. No.

Mr. SCHERER. Were you a member of the Communist Party a month before you made the application?

Mr. BLOCH. No.

Mr. SCHERER. A year before?

Mr. BLOCH. No.

Mr. SCHERER. Two years before?

Mr. BLOCH. Restate your question.

Mr. SCHERER. Were you a member of the Communist Party 2 years prior to making your application for passport?

Mr. BLOCH. No.

Mr. TAVENNER. Was it 3 years before?

Mr. BLOCH. Excuse me. May I consult with counsel?

Mr. SCHERER. Certainly.

(The witness confers with his counsel.)

Mr. BLOCH. Would you make your question specific?

Mr. SCHERER. Yes.

Were you a member of the Communist Party 3 years before you made application for the recent passport which we have been discussing?

(The witness confers with his counsel.)

Mr. BLOCH. No.

Mr. SCHERER. Were you 4 years before that a member of the Communist Party?

(The witness confers with his counsel.)

Mr. BLOCH. I refuse to answer that question on the grounds of the first and fifth amendments.

Mr. SCHERER. I have no further questions.

Mr. TAVENNER. Did you advise the State Department that you had been a member of the Communist Party when you applied for passport?

Mr. BLOCH. False——

(The witness confers with his counsel.)

Mr. BLOCH. The State Department never asked me.

Strike that.

(The witness confers with his counsel.)

Mr. BLOCH. I claim the first——

I decline to answer on the grounds of the first and fifth amendments.

Mr. SCHERER. The fact is that you were asked, in making the application for passport, whether you had ever been a member of the Communist Party or not?

Mrs. ROSENBERG. Are you on the witness stand, Mr. Scherer?

He was not asked that question.

Mr. JACKSON. Mr. Chairman, I ask that counsel be asked to leave the stand.

Mr. BLOCH. I think I need her support. Could I request that she remain?

Mr. JACKSON. I have given due notice what I intended to do. There have been altogether too many outbreaks from counsel.

Mr. BLOCH. I will answer more directly in the future. Could she remain?

Mr. JACKSON. I am going to press my position.

Mr. MOULDER. As I understand it, the gentleman from California, Mr. Jackson, moves that counsel——

And witness?

Mr. JACKSON. And the witness as far as I am concerned. He is an uncooperative witness.

Mr. MOULDER. Be excused and removed from the witness stand.

Mr. JACKSON. Excused from the witness stand. I won't ask removal.

I ask that they be excused.

Mr. MOULDER. Do I hear objection from any member of the committee?

(There was no response.)

Mr. MOULDER. Therefore, the witness and counsel are—

Mr. BLOCH. Mr. Moulder, I really take exception to Mr. Jackson's remark that I am uncooperative.

Mr. JACKSON. You may take exception to my remark that you are uncooperative. I consider you to be completely uncooperative.

Mr. MOULDER. Witness and counsel are excused from the witness stand for failure to abide by the committee rules in their conduct before the committee.

Call your next witness, please, Mr. Tavenner.

Mr. TAVENNER. Mr. Jack Pepper.

Mr. MOULDER. Do you solemnly swear the testimony which you are about to give before the committee will be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. PEPPER. I do, Mr. Chairman.

TESTIMONY OF JACK (L.) PEPPER, ACCOMPANIED BY COUNSEL, RICHARD L. RYKOFF

Mr. TAVENNER. What is your name, please, sir?

Mr. PEPPER. Jack Pepper, P-e-p-p-e-r.

Mr. TAVENNER. Do you have a middle name?

Mr. PEPPER. Only one I assumed in a moment of foolishness when I was in junior high school. I liked the name of Lawrence. It is not legal, and I use it today sometimes to identify myself from other Jack Peppers in this particular vicinity.

Mr. TAVENNER. So you use the name Jack L. Pepper?

Mr. PEPPER. Only, shall we say, sometimes in a legal sense.

Mr. SCHERER. He said he is known as Lawrence Pepper.

(Representative Donald L. Jackson left the hearing room at this point.)

Mr. PEPPER. No.

Mr. SCHERER. I misunderstood you.

Mr. PEPPER. No. I am known as Jack Pepper.

Mr. SCHERER. What did you say about Lawrence? I misunderstood you.

Mr. PEPPER. I assumed that name when I was in junior high school. I believe I thought that probably I should have a middle name for the year book or some such stupid reason. However, I found it convenient because there was another Jack Pepper recently; I mean in the last 10 years, whose identity has become mixed with mine. Therefore, I have used the name "L" or the initial "L" for purposes of identification.

Mr. TAVENNER. Will counsel accompanying the witness please identify himself for the record?

Mr. RYKOFF. Richard Rykoff.

Mr. TAVENNER. When and where were you born, Mr. Pepper?

(Representative Donald I. Jackson returned to the hearing room at this point.)

Mr. PEPPER. Philadelphia, Pa., in the year 1910.

Mr. TAVENNER. Where do you now reside?

Mr. PEPPER. Los Angeles.

Mr. TAVENNER. How long have you resided in Los Angeles?

Mr. PEPPER. On and off, I would say, since I was 4 or 5 years old. I have gone back East several times for schooling.

Mr. TAVENNER. What is your profession?

Mr. PEPPER. Musician.

Mr. TAVENNER. How long have you been engaged in the practice of your profession in Los Angeles?

Mr. PEPPER. Well, I think a very good answer is one given yesterday—since I was 5 years old.

Mr. TAVENNER. Will you tell the committee, please, what your formal educational training has been.

Mr. PEPPER. Well, the usual kindergartens and secondary schools. I went to high school, here in Los Angeles. I was given a scholarship by Howard Hanson and Eugene Goossens—that is spelled G-o-o-s-s-e-n-s, a very eminent English conductor—to the University of Rochester, and that is, Eastman School of Music. There I remained for 2 years, I would say, in a period prior to 1930. At any rate, I played in the Rochester Philharmonic then, and from that point on I went to the Curtis Institute where I studied violin with Leopold Auer, A-u-e-r. At any rate, he taught Heifetz and a few of the other favored musicians today.

I graduated from this institution and came back to Los Angeles where I was a member of the Los Angeles Philharmonic. After that time I went into the studio work, and, subsequent to the war—I would say 2 or 3 years—I was asked to join the Coolidge Quartet, which is a rather famous quartet. Probably in Washington you may have heard of this. We were commissioned by the Library of Congress to play in all the universities, including State universities, in the country. We were commissioned to play new American works, which we did. And I was with them until the time that I volunteered for the Army, which was in 1942, I believe.

Mr. TAVENNER. How long did you serve in the Army?

Mr. PEPPER. Three years.

Mr. TAVENNER. Proceed.

Mr. PEPPER. Do you wish to know more about the Army days?

Mr. TAVENNER. Yes, if there is any information you desire to give the committee.

Mr. PEPPER. It has to do with my musical experience, I suppose.

A year spent with the Army Air Forces, and finally transferred to the Armed Forces Radio Service where we were responsible for the making of programs sent overseas—Command Performance, Mail Call, Jubilee, At Ease, and all the things which you may have heard about.

After having left the Army, being discharged some 3 years later, I did studio work under contract to several studios. Or two studios. And at the present time I am a free-lance musician.

Mr. TAVENNER. Mr. Pepper, you were living in Los Angeles in 1948; were you not?

Mr. PEPPER. Yes.

Mr. TAVENNER. And did you, in 1948, have personal knowledge of a plan of the Communist Party to use musicians who had joined an organized group of the Communist Party to circulate the Independent

Progressive Party petition to put that party on the ballot in the State of California?

MR. PEPPER. I refuse to answer that question for the following reasons: on the grounds of the first amendment, which states that Congress shall not abridge the rights of the people in the field of ideas, beliefs, opinions, or associations.

The purpose of the committee is infringement of the right, or these rights, and I believe the objective is illegal.

Secondly, on the basis of the fourth amendment, at least that portion of the fourth amendment which declares the right of a people to be secure in their persons, secure from unreasonable searches. And this to me——

Of course, I am not a legal man.

However, this to me, means just what it says.

I feel that in this case the amendment is being violated because privacy of my thought and privacy of my associations are being violated.

Further, the third reason I refuse to testify is that under the fifth amendment I am accorded the privilege of refusing to give testimony which may be used against me at some future time.

These privileges do exist for the innocent, and I assert these rights to prevent their destruction, gentlemen.

My last and final reason is on that provision of the fifth amendment which provides that no man shall be deprived of life, liberty, or property and, gentlemen, my property is the creation of music, and I am going to fight for my right to work.

I do protest the economic and social sanctions that are imposed because of this committee, imposed on those witnesses who are unfriendly to the committee's unconstitutional aims.

MR. JACKSON. Regular order, Mr. Chairman.

MR. TAVENNER. I hand you a document marked for identification only as "Jack L. Pepper Exhibit No. 1."

It is a photostatic copy of an Independent Progressive Party of California petition, at the end of which there is an affidavit bearing the name, as the affiant, Jack L. Pepper. I ask you whether or not your name appears as the affiant on that petition, and whether it was signed by you?

(Document handed to the witness and his counsel.)

(Representative Morgan M. Moulder left the hearing room at this point.)

MR. PEPPER. I will refuse to answer that question on the grounds previously stated, that it is an invasion of my rights.

MR. TAVENNER. I desire to offer the document in evidence marked as "Jack L. Pepper Exhibit No. 1."

MR. DOYLE (presiding). It will be so received.

(This exhibit is similar to Kalman Bloch exhibit No. 1, p. 3957, and will not be reproduced in the printed record. It is on file in the committee's records.)

MR. TAVENNER. Mr. Chairman, the affidavit bears the date of January 31, 1948, over the signature of Jack L. Pepper. The affidavit states that the affiant solicited the signatures therein set forth.

Where did you live, Mr. Pepper, in 1948?

MR. PEPPER. May I ask the materiality of that question, sir?

MR. TAVENNER. No; just answer the question, or refuse to answer it and take your chances on whether it is material or not.

Mr. PEPPER. In that case, I shall certainly decline to answer the question on the grounds previously stated.

Mr. TAVENNER. Did you ever live at 1501 Murray Drive, Los Angeles 26, Calif.?

Mr. PEPPER. I believe you heard my statement. I think it is on the record.

Mr. DOYLE. That is not the same question, sir.

Mr. PEPPER. It is not?

Mr. DOYLE. He asked you where you lived and you pleaded the amendment. Now he asked you if you lived at a specific address.

Mr. PEPPER. As far as I am concerned, that is the same question. However, I shall be happy to decline to answer that question for the same reasons.

Mr. TAVENNER. Are you now a member of the Communist Party?

Mr. PEPPER. Same reasons.

Mr. TAVENNER. You refuse to answer for the same reasons?

Mr. PEPPER. Yes; I decline to answer for the same reasons.

Mr. TAVENNER. I have no further questions.

Mr. DOYLE. Any questions?

Mr. JACKSON. No questions.

Mr. SCHERER. No questions.

Mr. DOYLE. The witness is dismissed.

Mr. TAVENNER. Mr. Jean Musick.

Mr. DOYLE. Do you solemnly swear to tell the truth, the whole truth, and nothing but the truth, so help you God?

Mr. MUSICK. Yes; I do.

TESTIMONY OF JEAN C. MUSICK, ACCOMPANIED BY COUNSEL, RICHARD L. RYKOFF

Mr. TAVENNER. Will you state your name, please?

Mr. MUSICK. Jean Musick.

Mr. TAVENNER. Do you have a middle initial?

Mr. MUSICK. C.

Mr. TAVENNER. Will you spell your last name?

Mr. MUSICK. M-u-s-i-c-k.

Mr. TAVENNER. Will counsel please identify himself?

Mr. RYKOFF. Richard Rykoff.

Mr. TAVENNER. When and where were you born, Mr. Musick?

Mr. MUSICK. I was born in 1910 in Colorado.

Mr. TAVENNER. Where do you now reside?

Mr. MUSICK. In Newport Beach, Calif.

Mr. TAVENNER. How long have you resided in California?

Mr. MUSICK. Since 1938.

Mr. TAVENNER. What is your profession?

Mr. MUSICK. I am a musician.

Mr. TAVENNER. How long have you engaged in the practice of your profession in California?

Mr. MUSICK. Since I came here in 1938.

Mr. TAVENNER. Will you tell the committee, please, briefly, what your formal educational training has been?

Mr. MUSICK. My primary and secondary education were the usual ones in Colorado. I was given a scholarship at the University of

Rochester, Eastman School of Music, in Rochester, N. Y. I attended this scholarship for 4 years, during which time I earned my way, my living expenses through school, I earned my expenses for school plus the aid that the scholarship allowed me for expenses at the school itself.

During the 4 years in which I retained the scholarship I was an honor student scholastically. I was chairman of my class for 3 of those 4 years, and during the first 3 years I completed 4 years of schooling with the exception of 6 academic hours which I took at summer session, giving me my bachelor of music degree.

During my fourth year of scholarship I pursued graduate studies and completed all of the work for my master's degree, with the exception of the writing of the thesis which I did during the following year, and received my degree in 1933.

Since that time I have pursued the study of my profession privately, and occasionally had course in extension at the university, classes in various things.

MR. TAVENNER. I hand you a photostatic copy of a document bearing date March 23, 1948, purportedly signed by you and marked for identification only as "Jean C. Musick Exhibit No. 1." Will you look at it, please, and tell me what it is?

(Document handed to the witness and his counsel.)

(Representative Morgan M. Moulder returned to the hearing room at this point.)

(The witness confers with his counsel.)

MR. RYKOFF. Would you repeat the question, Mr. Tavenner? What is the pending question?

MR. TAVENNER. The question was: Will you look at the document and tell us what it is?

(The witness confers with his counsel.)

MR. MUSICK. Yes. During my schooling I did learn how to read so I can say what the document is.

MR. TAVENNER. What is it?

MR. MUSICK. It is a declaration of candidacy.

MR. TAVENNER. For what?

MR. MUSICK. For the Independent Progressive Party.

MR. TAVENNER. What position?

MR. MUSICK. Member of the County Central Committee.

MR. TAVENNER. Whose declaration of candidacy?

MR. MUSICK. Mr. Tavenner and Mr. Chairman, I decline to identify the document further than that on the basis of the first and fifth amendments of the Constitution.

MR. TAVENNER. Is it not a fact that there appears on the bottom of the document the name Jean C. Musick?

MR. MUSICK. I desire to decline to answer that question on the same grounds as the former one.

MR. TAVENNER. Did you sign your name to that document?

MR. MUSICK. I also decline to answer that question on the same grounds, if you please.

MR. TAVENNER. I desire to introduce in evidence the document marked "Jean C. Musick Exhibit No. 1."

MR. MOULDER. The document so marked will be admitted into evidence as requested by counsel.

JEAN C. MUSICK EXHIBIT No. 1

Form No. 11.

DECLARATION OF CANDIDACY

By Candidate for Member of County Central Committee

(Section 2601, Elections Code)

I hereby declare myself as Independent Progressive Party candidate for election to the office of Member of County Central Committee..... 45th Assembly district to be voted for at the primary election to be held June 1, 1948, and declare the following to be true:

My name is..... Jean C. Musick

My present residence is..... 3120 Amethyst St.
Los Angeles 32, Calif.

My present occupation is musician

My present business address is Metro Goldwyn Mayer Studios,
Culver City, Calif.

The name of my employer (if any) is..... Metro Goldwyn Mayer Studios

The address of my employer (if any) is..... Culver City, Calif.

My occupation for the past three years has been as follows:

musician

The duration of my residence in California is 9 yrs., 9 mos. years.

I have been a citizen of the United States for since birth years.

My address for the past five years has been as follows:

{ 991 Jones Avenue, San Francisco, 24, Calif.
1942 - 1945
{ 3120 Amethyst St., Los Angeles 32, Calif.
1945 - present

I am at present an incumbent of the following public office (if any):

none

JEAN C. MUSICK EXHIBIT No. 1—Continued

Examined and certified by me this.....25th.....day of.....March....., 19..48.

M. J. Donoghue
 Registrar of Voters.

By.....
 Deputy Registrar of Voters.

This document with all blanks therein filled in to be delivered at least sixty-five days prior to the Direct primary election to the Registrar of Voters of the county wherein the candidate resides. Such Registrar shall thereupon examine, mark, certify and file the same, in the manner and within the time required by law. (Sections 2621, 2632, Elections Code.)

When the declaration of candidacy is made by the candidate, use this Form No. 11, and in connection therewith use Forms Nos. 10 and 12.

CANDIDATE'S REQUEST FOR STATEMENT OF OCCUPATION TO APPEAR ON BALLOT

NOTE: THE USE OF THIS REQUEST IS OPTIONAL WITH THE CANDIDATE.

In accordance with the provisions of Section 3819 of the Elections Code, I, the undersigned, candidate for the office in this Declaration mentioned, hereby request that there be placed immediately under my name upon the ballot for the election therein referred to, the words or designation "....."

(Signed)

Section 3819 of the Elections Code provides as follows:
 *****Immediately under the name of each candidate and not separated therefrom by any line may appear, at the option of the candidate, one of the following designations:

(a) Words designating the city, county, district or State office which the candidate then holds.
 In addition to the foregoing, members of the Senate of the State of California may use either of the following designations: "State Senator, District, California Legislature" or "Member of California Senate, District," or any other appropriate designation, the blanks to be filled with the appropriate district number.
 Members of the Assembly may use either of the following designations: "Assemblyman, District, California Legislature" or "Member of the Assembly, District, California Legislature," or any other appropriate designation, the blanks to be filled with the appropriate district number.
 (b) If the candidate be a candidate for the same office which he then holds, and only in that event, the word "Incumbent."
 (c) Words designating the profession, vocation or occupation of the candidate which shall not exceed three in number. The profession, vocation or occupation so designated shall be the same as appears in the affidavit of registration of the candidate. No candidate shall assume a designation which would mislead the voters.*****

CERTIFICATE AS TO OCCUPATION IN AFFIDAVIT OF REGISTRATION

State of California, }
 County of Los Angeles } ss.

I hereby certify that the profession, vocation or occupation as designated in the affidavit of registration of the above named candidate now in my office is..... Musician

Dated this.....25th.....day of.....March....., 19..48

M. J. Donoghue
 Registrar of Voters.

NOTE:—This form of certificate is only for use where a designation other than "Incumbent" is used by the candidate.

COMMUNIST ACTIVITIES IN THE LOS ANGELES, CALIF., AREA 3971

JEAN C. MUSICK Exhibit No. 1—Continued

I have held the following public offices (if any):

_____ none _____ for _____ years,
 _____ for _____ years,
 _____ for _____ years,
 _____ for _____ years,
 _____ for _____ years.

I am registered as affiliated with the Independent Progressive Party.

(The candidate may here insert, at his option, in not over fifty words, a statement of what he considers to be his special fitness, training or experience in the line of work which he will be called upon to perform in case of his election.)

[illegible]

I will qualify for that office if elected.

2415
Jean C. Musick OK
Signature of Candidate.
JEAN C. MUSICK

STATE OF CALIFORNIA,
County of Los Angeles) SS.

Subscribed and sworn to before me this 23 day of March, 1948

John T. Mark
Notary Public (or other official).
My Commission Expires Jan. 23, 1951

Mr. MOULDER. First may I say that it is a photostatic copy of the document. You did not sign that document. You could truthfully answer that, couldn't you, one way or the other?

Mr. MUSICK. I understand.

Mr. MOULDER. Proceed, Mr. Tavenner.

Mr. TAVENNER. There is a statement in this document, which I read:

I am registered as affiliated with the Independent Progressive Party.

Were you so registered on March 23, 1948?

(The witness confers with his counsel.)

Mr. MUSICK. Mr. Tavenner, I decline to answer that question on the same grounds as previously stated, and for the same reasons.

Mr. TAVENNER. You actually became a member of the State central committee; did you not?

Mr. MUSICK. Would you repeat the question?

Mr. TAVENNER. You actually became a member of the State central committee of the Independent Progressive Party; did you not?

Mr. MUSICK. I believe the document showed it was titled a county central committee.

Mr. TAVENNER. Thank you for correcting me. It is Los Angeles.

Mr. MUSICK. I will decline to answer that question on the same basis for the same reasons as the former one, for the same subject.

Mr. TAVENNER. If that document speaks the truth, it shows that you aspired at least to become a member of the Los Angeles County Central Committee of the Independent Progressive Party. From that information and other information in the hands of the committee, which it has received in the form of sworn testimony before the committee, you should be in a position to give this committee important facts relating to the plan of the Communist Party in 1948 to use musicians who were members of the Communist Party to promote the interests of the Independent Progressive Party.

Will you give us the benefit of such information as you have?

Mr. MUSICK. Mr. Tavenner and Mr. Chairman, I must decline to answer that question on the basis of the first and fifth amendments, as previously stated.

Mr. TAVENNER. I hand you a document marked for identification only as "Jean C. Musick Exhibit No. 2."

It is a photostatic copy of a petition of the Independent Progressive Party, at the end of which appears an affidavit over the signature of Jean C. Musick, bearing date of January 31, 1948. I ask you whether or not that is your signature as the affiant in that affidavit.

(Document handed to witness and his counsel.)

Mr. TAVENNER. It is on the last page.

Mr. MUSICK. Mr. Tavenner, I decline to identify the petition or the signature on the grounds as previously stated.

Mr. TAVENNER. I offer the document in evidence marked "Jean C. Musick Exhibit No. 2."

Mr. MOULDER. Without objection, it is so ordered.

(This exhibit is similar to Kalman Block exhibit No. 1, p. 3957, and will not be reproduced in the printed record. It is on file in the committee's records.)

(Document returned to Mr. Tavenner.)

Mr. TAVENNER. The document is dated January 31, 1948.

On that day were you a member of branch O of the northwest section of the Communist Party, sometimes referred to as the Musicians Branch of the Communist Party?

Mr. MUSICK. I wish to decline to answer that question on the basis of the constitutional grounds of the first and fifth amendments.

Mr. TAVENNER. Are you now a member of the Communist Party?

Mr. MUSICK. I wish to decline to answer that question on the same grounds.

Mr. TAVENNER. I have no further questions.

Mr. MOULDER. Any questions, Mr. Doyle?

Mr. DOYLE. No questions.

Mr. MOULDER. Mr. Jackson?

Mr. JACKSON. No questions.

Mr. MOULDER. Do you have a question, Mr. Scherer?

Mr. SCHERER. Mr. Musick, you have refused to answer the pertinent questions asked by Mr. Tavenner on the grounds of the fifth amendment. You have invoked your privilege under the fifth amendment in refusing to answer those questions, and I think you have invoked it properly. By invoking the fifth amendment you have said that you did not want to answer the questions because you, in good faith, felt that if you answered those questions, those answers might tend to incriminate you, might result in some prosecution in the future.

But as Mr. Tavenner said, we feel that you, in particular, have some information that would be very helpful to the committee. Now the law is that this committee may grant you immunity, with the approval of a Federal court. In other words, we may say to you that no matter what your answers are to the questions asked you cannot be prosecuted, you cannot be incriminated. The law gives this committee that right.

Now, if this committee should grant you immunity so that no matter what answers you gave to the questions propounded, you could not be prosecuted, would you then answer the questions we ask you?

Mr. MUSICK. Excuse me, I don't believe I know your name.

Mr. SCHERER. Scherer. You may want to consult with your counsel before answering that question.

Mr. MUSICK. I am sure my counsel will know the proper things to say, but I feel—

Mr. SCHERER. That is the reason I say if you want to you should consult with him.

Mr. MUSICK. I feel this is a matter of conjecture. It doesn't exist and at this time I am not in a position to answer the question.

Mr. SCHERER. I wanted to know, because if the committee should decide to grant you immunity, it requires considerable effort and time.

You have said the only reason you are not answering the question is because you fear some prosecution. If that fear of prosecution is removed wouldn't you be willing to tell what you knew?

(The witness confers with his counsel.)

Mr. MUSICK. Mr. Scherer, I did not use the word "fear" in any of my reasons in declining. I do not have fear. I stated my grounds that the Constitution—

Mr. SCHERER. That is what the fifth amendment says, that you in good faith feel—that means fear—feel that to answer the questions might incriminate you. You fear prosecution.

Mr. MUSICK. My understanding of semantics is that there is a difference between the words "fear" and "feel." And that is the only reason I mention it.

Mr. SCHERER. If you don't fear prosecution, the fear that you might be prosecuted, then of course it doesn't seem that you are invoking the fifth amendment in good faith.

Mr. MUSICK. I am invoking the fifth amendment in good faith, but the additional reason is contained in the first amendment, that I feel that the inquiry is beyond the sphere of—

Mr. SCHERER. Of course, that has been already established, that the inquiry concerning your Communist membership and any knowledge you might have of subversive activities is certainly within the scope of this committee, and that is well established. There is no basis for that.

That is all I have. I just wanted to see whether these witnesses are actually invoking the fifth amendment in good faith, if they actually fear or feel that they might be prosecuted as a result of any information they might give the committee. I can't understand, if that threat of prosecution or possibility of prosecution is removed, why any citizen should not say, who invokes the fifth amendment, "Why, certainly, I will answer."

Mr. JACKSON. Can't you really understand or are you—

Mr. SCHERER. I really understand.

Mr. JACKSON. Or are you being naive?

Mr. SCHERER. I really understand, Mr. Jackson, but in some cases—I am not saying in this one—it is evident that the fifth amendment is not invoked in good faith. There is actually no fear or feeling of prosecution. It is just an unwillingness to cooperate. And the fifth amendment is used for that purpose.

Mr. MOULDER. Any further questions?

Mr. SCHERER. No.

Mr. MOULDER. Mr. Tavenner?

Mr. TAVENNER. No further questions.

Mr. MOULDER. The witness is excused.

May I inquire, Mr. Tavenner, how many more witnesses do we have for this afternoon?

Mr. TAVENNER. I believe four.

Mr. MOULDER. Let's proceed to call the next witness.

Mr. TAVENNER. Mr. Manuel Newman.

Mr. MOULDER. Do you solemnly swear that the testimony which you are about to give before the committee will be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. NEWMAN. I do.

(Representative Gordon H. Scherer left the hearing room at this point.)

TESTIMONY OF MANUEL NEWMAN, ACCOMPANIED BY COUNSEL, ROBERT KENNY

Mr. TAVENNER. Are you Mr. Manuel Newman?

Mr. NEWMAN. That is correct.

Mr. TAVENNER. Will counsel accompanying the witness please identify himself for the record?

Mr. KENNY. Robert Kenny, Los Angeles.

Mr. TAVENNER. Is N-e-w-m-a-n the proper spelling of your name?

Mr. NEWMAN. Right.

Mr. TAVENNER. When and where were you born, Mr. Newman?

Mr. NEWMAN. Born in 1916, Buffalo, N. Y.

Mr. TAVENNER. Do you now reside in Los Angeles?

Mr. NEWMAN. I do.

Mr. TAVENNER. How long have you resided here?

Mr. NEWMAN. Since approximately 1946.

Mr. TAVENNER. Where did you live prior to 1946?

Mr. NEWMAN. Army barracks.

Mr. TAVENNER. How long were you in the Armed Forces?

Mr. NEWMAN. For approximately 3 years.

Mr. TAVENNER. Where did you live prior to your enlistment?

Mr. NEWMAN. Oklahoma City.

Mr. TAVENNER. How long did you live there?

Mr. NEWMAN. Approximately 2 years.

Mr. TAVENNER. What is your profession?

Mr. NEWMAN. I am a violinist.

Mr. TAVENNER. Have you practiced your profession in Los Angeles since 1946?

Mr. NEWMAN. Yes, I have.

Mr. TAVENNER. Was that the occasion for your being in Oklahoma City? Were you engaged in the practice of your profession in Oklahoma City?

Mr. NEWMAN. Yes.

Mr. TAVENNER. Prior to your enlistment?

Mr. NEWMAN. I may add I have been engaged in my profession as long as I can remember being an adult, and before, perhaps.

Mr. TAVENNER. Would you tell the committee, please, what your educational training has been?

Mr. NEWMAN. Well, primary and secondary education. I attended the University of Rochester and Eastman School of Music on a scholarship, where I graduated and did postgraduate work. I graduated with a bachelor's degree and did some postgraduate work and was awarded an artist's diploma. And I have studied violin on and off ever since up until very recently. And that is my life work.

Mr. TAVENNER. After you began the practice of your profession in Los Angeles, did you join an organized group of the Communist Party composed almost exclusively of members of the musicians' profession?

(The witness confers with his counsel.)

Mr. NEWMAN. I respectfully decline to answer that question on the grounds of the first amendment supplemented by the fifth.

Mr. TAVENNER. As a member of the Musicians Branch of the Communist Party, were you directed to circulate a petition of the Independent Progressive Party of California in 1948?

Mr. NEWMAN. I decline to answer that question on the same grounds.

Mr. TAVENNER. I hand you a document marked for identification only as "Manuel Newman Exhibit No. 1."

It is a photostatic copy of an Independent Progressive Party petition which has an affidavit at the end of it over the name of Manuel Newman.

Will you examine the signature of the affiant in the affidavit on the last page and state whether or not you signed the document?

(Document handed to the witness and his counsel.)

Mr. NEWMAN. I decline to answer all questions pertaining to this document on the same grounds.

Mr. TAVENNER. What was your answer?

Mr. NEWMAN. My answer was the same declination for the same grounds.

Mr. TAVENNER. I offer the document in evidence, Manuel Newman exhibit No. 1.

Mr. MOULDER. The document marked "Manuel Newman Exhibit No. 1" is admitted into evidence.

(This exhibit is similar to Kalman Bloch exhibit No. 1, p. 3957, and will not be reproduced in the printed record. It is on file in the committee's records.)

Mr. TAVENNER. Mr. Chairman, the affidavit referred to at the end of the document, over the name of Manuel Newman, bears date of January 24, 1948, and in the affidavit is recited that Manuel Newman solicited the signatures thereon. I hand you a document marked for identification only as "Manuel Newman Exhibit No. 2".

It is a photostatic copy of an Affidavit of Registration bearing date of April 6, 1948, and I will ask you whether or not you executed that affidavit as an affiliate of the Independent Progressive Party.

(The witness confers with his counsel.)

(Document handed to the witness and his counsel.)

Mr. NEWMAN. I decline to answer that question on the same grounds.

Mr. TAVENNER. Mr. Chairman, I offer in evidence the document marked "Manuel Newman Exhibit No. 2."

Mr. MOULDER. The document marked "Manuel Newman Exhibit No. 2" is admitted in evidence.

(This exhibit is similar to the Kalman Bloch exhibit No. 2, p. 3960, and will not be reproduced in the printed record. It is on file in the committee's records.)

Mr. TAVENNER. Are you a member of the Communist Party at this time?

Mr. NEWMAN. No.

Mr. TAVENNER. Were you a member of the Communist Party at the time the subpoena was served on you for your appearance before this committee?

Mr. NEWMAN. I decline to answer that on the same grounds.

Mr. TAVENNER. Were you a member of the Communist Party yesterday?

Mr. NEWMAN. The same answer.

Mr. TAVENNER. I have no further questions.

Mr. MOULDER. Any questions, Mr. Doyle?

Mr. DOYLE. I have complimented all the other witnesses who were able to say under oath that they were not now members of the Communist Party, and I compliment you on being able to say under oath that you are not now a member.

May I ask this: As far as you know now have you any feeling in you of moral compulsion, or is there any reason why you should feel under any obligation, pressure, or duty to unite with the Communist Party at any time in the future?

Mr. NEWMAN. May I answer that in my own way?

I would like to say that at this time my entire thoughts and intentions circulate around providing for my family in the future, and I think that would take up all of my energies and thoughts.

Mr. DOYLE. Thank you.

Mr. MOULDER. Questions, Mr. Jackson?

Mr. JACKSON. No questions.

Mr. MOULDER. The witness is excused.

Mr. NEWMAN. Thank you.

Mr. TAVENNER. Mr. Roy Frankson.

Mr. MOULDER. Do you solemnly swear that the testimony which you are about to give before the committee will be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. FRANKSON. I do.

TESTIMONY OF ROY FRANKSON, ACCOMPANIED BY COUNSEL, ROBERT KENNY

Mr. TAVENNER. What is your name, please, sir?

Mr. FRANKSON. Roy Frankson.

Mr. TAVENNER. It is noted that you are accompanied by the same counsel who accompanied the preceding witness.

Mr. KENNY. It is so stipulated.

Mr. TAVENNER. Is that right?

Mr. KENNY. We will stipulate the same counsel.

Mr. TAVENNER. When and where were you born, Mr. Frankson?

Mr. FRANKSON. In Minnesota, 1898.

Mr. TAVENNER. Where do you now reside?

Mr. FRANKSON. In Glendale.

Mr. TAVENNER. California?

Mr. FRANKSON. Yes.

Mr. TAVENNER. How long have you lived in California?

Mr. FRANKSON. Since 1928 or 1929.

Mr. TAVENNER. What is your profession?

Mr. FRANKSON. I have been a musician all my life.

Mr. TAVENNER. Will you tell the committee briefly what your formal educational training has been?

Mr. FRANKSON. Public schools in the country in Minnesota in a small town; Minneapolis School of Music; Chicago Musical College; the School of Musical Art, New York; Institute of Musical Art in New York, which is now Juilliard School. From that time on its been professional work.

Mr. TAVENNER. Marked for identification only as "Roy Frankson Exhibit No. 1." I hand you a photostatic copy of a petition of the Independent Progressive Party of California at the end of which appears an affidavit. Will you examine the affidavit and state whether or not you are the affiant named therein and whether the name was signed by you?

(The witness confers with his counsel.)

(Document handed to the witness and his counsel.)

Mr. FRANKSON. I decline and refuse to answer that question, sir, on the grounds of the first and fifth amendments.

Mr. TAVENNER. Mr. Chairman, I desire to offer in evidence, the document marked "Roy Frankson Exhibit No. 1."

Mr. MOULDER. The document will be so admitted as requested by counsel.

(This exhibit is similar to the Kalman Bloch exhibit No. 1, p. 3957, and will not be reproduced in the printed record. It is on file in the committee's records.)

Mr. TAVENNER. Mr. Chairman, the document bears the date of January 16, 1948, and, as in other similar documents, the affidavit states that the signatures were solicited by the affiant, whose name is Roy Frankson.

Mr. MOULDER. Do you wish to deny or affirm or make any comment upon the statement made by counsel concerning the document?

Mr. FRANKSON. I wish to rely on the fifth and first amendments.

Mr. MOULDER. All right.

Mr. FRANKSON. In all instances.

Mr. TAVENNER. Will you tell the committee, please, whether on January 16, 1948, the date of that document, you were a member of branch O of the northwest section of the Communist Party?

Mr. FRANKSON. The answer is the same, the fifth and first amendments.

Mr. TAVENNER. I hand you a document marked for identification only as "Roy Frankson Exhibit No. 2." It is a photostatic copy of an affidavit of registration bearing date of 29th day of March 1951, indicating that the name of the affiant, Roy Frankson, was affiliated at that time with the Independent Progressive Party. Will you examine it, please?

(Document handed to the witness and his counsel.)

Mr. TAVENNER. Will you state whether the name of the affiant on that document is your name and whether you signed it?

(The witness confers with his counsel.)

Mr. FRANKSON. I refuse under the same conditions and the same amendments.

Mr. TAVENNER. I offer in evidence the document marked "Roy Frankson Exhibit No. 2."

Mr. MOULDER. The document is so admitted as requested by counsel.

(This exhibit is similar to Kalman Bloch exhibit No. 2, p. 3960, and will not be reproduced in the printed record. It is on file in the committee's records.)

Mr. TAVENNER. Did you ever use the name "Bob Henderson"?

Mr. FRANKSON. I refuse to answer the question on the grounds of the same question, the same grounds, the same amendments.

Mr. TAVENNER. Where did you reside in 1937?

(The witness confers with his counsel.)

Mr. FRANKSON. I refuse to answer that question on the same grounds.

Mr. TAVENNER. Are you now a member of the Communist Party?

Mr. FRANKSON. I refuse to answer that on the same grounds.

Mr. TAVENNER. I have no further questions.

Mr. MOULDER. Any questions, Mr. Doyle?

Mr. DOYLE. No questions.

Mr. JACKSON. No questions, Mr. Chairman.

Mr. MOULDER. The question hasn't been asked you, which is the \$64 question: Have you ever been a member of the Communist Party?

Mr. FRANKSON. I refuse to answer that, too.

Mr. MOULDER. The same grounds?

Mr. FRANKSON. On the same grounds.

Mr. MOULDER. The witness is excused.

Mr. TAVENNER. Herbert Lessner.

(Representative Donald L. Jackson left the hearing room at this point.)

(Representative Gordon H. Scherer returned to the hearing room at this point.)

Mr. MOULDER. Will you hold up your right hand and be sworn?

Do you solemnly swear the testimony which you are about to give before the committee will be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. LESSNER. I do.

TESTIMONY OF HERBERT LESSNER, ACCOMPANIED BY COUNSEL, BEN MARGOLIS

Mr. LESSNER. I would, if I may, like to inject this into the record. I have a copy here, if that is permissible.

Mr. MOULDER. Yes; the statement which you have prepared will be filed as a part of the committee's record.

Mr. TAVENNER. What is your name, please, sir?

Mr. LESSNER. Herbert Lessner—L-e-s-s-n-e-r.

Mr. TAVENNER. Will counsel accompanying the witness please identify himself for the record?

Mr. MARGOLIS. Ben Margolis, Los Angeles.

Mr. TAVENNER. When and where were you born, Mr. Lessner?

Mr. LESSNER. Youngstown, Ohio, April 7, 1911.

Mr. TAVENNER. Where do you now reside?

Mr. LESSNER. In Los Angeles.

Mr. TAVENNER. How long have you resided in Los Angeles?

Mr. LESSNER. Since 1937, with the exception of 2 years.

Mr. TAVENNER. What is your occupation?

Mr. LESSNER. Musician.

Mr. TAVENNER. How long have you practiced your profession in Los Angeles?

Mr. LESSNER. Since 1937.

Mr. TAVENNER. Prior to that time where did you practice your profession?

Mr. LESSNER. I was in New York for almost 7 years, from 1930 until 1937.

Mr. TAVENNER. Will you tell the committee, please, what your formal educational training has been?

Mr. LESSNER. Regular high school and a couple of years in college, varied courses, part of which was psychology, and in which I learned that red blood courses through all people, regardless of color, which gave me quite an education, and I traveled with, I barnstormed all over the country since I got out of school, and learned quite a bit about Negroes and whites and equality of people. And this is something that I have—

Mr. SCHERER. Did you learn anything about the Communist Party?

Mr. LESSNER. This is another question.

Mr. SCHERER. I ask that the witness be directed to answer the question. He said he has learned all about Negroes and whites and that

red blood flows through everybody's veins. I want to know if he learned anything about the Communist Party in his travels.

Mr. LESSNER. Am I finished with the first question?

Mr. SCHERER. Mr. Tavenner's question is withdrawn.

Mr. TAVENNER. Yes.

Mr. SCHERER. Will you answer my question?

Mr. LESSNER. Then in that case I shall decline to answer for the following reasons:

One, my rights and responsibilities to the Constitution are strictly mine to maintain and protect. I have the right to meet or be with anybody or speak or be silent. And this is the first amendment which I use, to refuse to answer.

Secondly, as a musician, I feel it necessary to uphold culture and further culture, to do it in my own way, to have the right to do it as an individual as well as in connection with other people and I feel that it is necessary for me to not yield to conformity.

Thirdly, as a union man—I have been a union member for over 30 years, almost 30 years, rather—and with our controversy in our union at present, I feel that this committee is coming in at a very timely—at a very time when we don't need any further publicity, and throw in what I call a red herring into our union activities.

Mr. SCHERER. We are trying to get a red herring out of it.

Mr. LESSNER. I feel it is necessary to uphold and fight to protect union rights and union gains.

And fourthly, as a parent and a war veteran, my loyalty has never been questioned by the many neighbors and musicians I work with, the many fellows in the Armed Forces I have met and worked with also.

Mr. SCHERER. Did you tell them that you had been a member of the Communist Party?

(The witness confers with his counsel.)

Mr. LESSNER. Is your previous question withdrawn?

Mr. SCHERER. No. There are two questions.

Mr. LESSNER. If I could finish—I am just about through—I feel that I am entirely innocent of any subversive activity, or anything that can be pointed to me in that way, and that since I am innocent I will not aid this committee in trying to subvert the Constitution of the United States, and I will not help this committee by appearing as a witness against myself. That is the fifth amendment which I use.

Mr. MOULDER. The next question.

Mr. TAVENNER. Did you become a member of what is known as Branch O of the Northwest Section of the Communist Party, sometimes referred to as the Musicians Branch of the Communist Party?

Mr. LESSNER. Questions such as these, Mr. Tavenner, I will not answer, based upon the first and fifth amendments.

Mr. TAVENNER. Do you refuse to answer the question?

Mr. LESSNER. I refuse, that is right. I refuse to answer.

Mr. TAVENNER. On the grounds stated?

Mr. LESSNER. That is right.

Mr. TAVENNER. Were you requested to circulate a petition of the Independent Progressive Party of California in 1948 to secure signatures of persons to put that party on the ballot?

Mr. LESSNER. I refuse to answer that on the same basis.

Mr. TAVENNER. I hand you a photostatic copy of such a petition and at the end of which there is an affidavit. The document is marked "Herbert Lessner Exhibit No. 1" for identification only.

Do you find your name as the affiant?

(Document handed to the witness and his counsel.)

Mr. LESSNER. I refuse to answer that on the same basis.

Mr. TAVENNER. Did you sign the name Herbert Lessner, which appears at the bottom of that document?

(The witness confers with his counsel.)

Mr. LESSNER. I refuse to answer that, the same grounds or reasons.

Mr. TAVENNER. I desire to offer in evidence the document marked "Herbert Lessner Exhibit No. 1."

Mr. MOULDER. The document as marked is admitted in evidence as requested by counsel.

(This exhibit is similar to Kalman Bloch exhibit No. 1, p. 3957, and will not be reproduced in the printed record. It is on file in the committee's records.)

Mr. TAVENNER. Reading from the exhibit, it appears that the document bears date the 15th day of February, 1948, and that the affidavit over the name of Herbert Lessner shows that it was Herbert Lessner who solicited the signatures contained thereon.

Mr. MOULDER. Do you wish to deny or affirm the statement made by counsel concerning the document?

Mr. LESSNER. Is this another document?

Mr. MOULDER. The same document.

Mr. LESSNER. The same one as was originally shown us?

Mr. MOULDER. Yes.

Mr. LESSNER. I think I have answered that.

Mr. MOULDER. Counsel made a statement concerning your name as the signature on the document, and I am simply asking you if you wish to deny or affirm the statement made by Mr. Tavenner.

Mr. LESSNER. No; I don't care to comment on that.

(Representative Donald L. Jackson returned to the hearing room at this point.)

Mr. TAVENNER. Are you a member of the Communist Party at this time?

Mr. LESSNER. The same question; the same answer.

Mr. TAVENNER. I have no further questions, Mr. Chairman.

Mr. MOULDER. Questions, Mr. Doyle?

Mr. DOYLE. No questions.

Mr. MOULDER. Mr. Scherer?

Mr. SCHERER. No questions.

Mr. MOULDER. I wish, on behalf of the committee, to reiterate and emphasize our stand insofar as the statement made by you concerning an intraunion dispute. The committee has no interest in that dispute, it has no knowledge whatsoever, either on the part of any member of the committee or insofar as I am concerned.

You are excused as a witness.

Mr. TAVENNER. Mr. Chairman, I stated to the committee quite early during the course of the hearing that all of those identified as members of the Musicians Branch of the Communist Party had not been subpoenaed by the committee. I now desire to introduce in evidence certain documents procured by the staff in the course of its investigation

which relate to those persons who have been identified as members of the Musicians Branch but who have not been subpoenaed.

Mr. JACKSON. May I ask a question in that connection?

Is it contemplated that upon the request of any of these individuals to be heard that they be heard at the earliest possible moment to deny or affirm the allegations contained in the previous testimony?

Mr. TAVENNER. Yes, sir. That was stated in substance in the opening statement by the chairman. It is the rule of the committee, and the staff will gladly cooperate with anyone who finds himself in that position, where he desires to appear before the committee.

Mr. DOYLE. May I further inquire, Mr. Chairman, is the identification positive as to these persons to whom you are now referring?

Mr. TAVENNER. These individuals have been identified by anywhere from 1 to 3 witnesses during the course of this hearing in public session.

Mr. DOYLE. As members of the Communist Party?

Mr. TAVENNER. As members of Branch O, or what is usually referred to as the Musicians Branch, of the Communist Party.

Mr. MOULDER. As far as that is concerned, the documents to which you are now referring are just as competent for admission in evidence as the others because none of the other documents was supported by any testimony. So the documents which you offer, if there is no objection by the committee, will be admitted in evidence as requested by counsel.

Mr. DOYLE. I think it would be well, Mr. Chairman, to emphasize the point which Mr. Jackson properly brought up, which is to the effect that our rules expressly provide that any person named before this committee, who is not personally present in the hearing room, has the established right and privilege of communicating with the committee in any manner he wishes, and either deny or affirm the reference to the fact that he has been named.

Mr. MOULDER. I understand counsel offers in evidence as a part of the record certain documents at this point in the proceedings.

Mr. TAVENNER. Yes, sir.

Mr. MOULDER. Any objection on the part of any member of the committee?

(There was no response.)

Mr. MOULDER. Without objection, the documents are admitted and inserted in the record at this point in the proceedings.

Mr. TAVENNER. 1. I desire to introduce Thelma C. Musick exhibit No. 1. It is a photostatic copy of a petition of the Independent Progressive Party, California, bearing date, the 29th day of December 1947, at the end of which there is an affidavit over the signature of Mrs. Thelma C. Musick, in which it is stated that she solicited the signatures appearing thereon.

2. I also offer Thelma C. Musick exhibit No. 2, which is an Affidavit of Registration by Mrs. Thelma C. Musick, bearing date the 20th day of February 1948, showing affiliation with the Independent Progressive Party of California.

3. I offer as Frances Bloch exhibit No. 1, a photostatic copy of an Affidavit of Registration bearing date, the 22d day of April 1948, showing her affiliation with the Independent Progressive Party."

4. I offer as Clara J. Altman exhibit No. 1, an Affidavit of Registration bearing date, the 22d day of April 1948, showing the affiliation of Mrs. Carla J. Altman with the Independent Progressive Party.

5. I offer as Mischa Altman exhibit No. 1, Affidavit of Registration of Mischa Altman, bearing date the 22d day of April 1948, showing affiliation of Mischa Altman with the Independent Progressive Party.

6. I offer as Lawrence Goldman exhibit No. 1, a photostatic copy of a petition of the Independent Progressive Party, at the end of which appears an affidavit over the name of Lawrence Goldman, bearing date, the 14th day of February 1948, of similar character as the other petitions.

7. I offer as Lydia Marcus exhibit No. 1, a photostatic copy of an Affidavit of Registration bearing date, the 8th day of April 1948, showing Miss Lydia Marcus to be affiliated with the Independent Progressive Party.

8. I offer as Earl Robinson exhibit No. 1, a photostatic copy of an Affidavit of Registration bearing date of the 7th day of September 1948, showing Earl Robinson an affiliate of the Independent Progressive Party.

9. I offer as Leonard M. Selic exhibit No. 1, a photostatic copy of an Affidavit of Registration bearing date the 22d day of April 1948, of Leonard M. Selic, showing affiliation with the Independent Progressive Party.

10. I offer as Elizabeth Sugar exhibit No. 1, a photostatic copy of a petition of the Independent Progressive Party, at the end of which is an affidavit over the signature of Mrs. Elizabeth Sugar, bearing date, the 5th day of December 1948, showing her to be the person who solicited the signatures contained thereon.

11. I offer Alexander Walden exhibit No. 1, a photostatic copy of Affidavit of Registration bearing date, the 10th day of September, 1950, and showing Alexander Walden to be affiliated with the Independent Progressive Party.

12. I offer Lee Wintner exhibit No. 1, a photostatic copy of the Affidavit of Registration bearing date, the 12th day of April 1948, showing the affiliation of Lee Wintner as an affiliate of the Independent Progressive Party.

Mr. MOULDER. May I say, Mr. Tavenner, the thought occurs to me, before passing upon your request, that this question arose during the course of the hearings before, that all persons whose names appear upon the petitions referred to by counsel are not Communists, or at least there is no testimony or evidence indicating directly or indirectly that they were ever affiliated with or connected with the Communist Party, or any other disloyal or unpatriotic act, on their part. But without some statement or explanation appearing where they are inserted in the record, along the lines I have just mentioned, there might be an injustice to have their names appear in the record unless there is some protection along that line.

Mr. TAVENNER. May I make a suggestion, that in the placing of documents of that class in the record, that we block off the names of all persons who signed them, except those as to whom there has been evidence, sworn testimony before the committee, that they are members of the Communist Party.

Mr. DOYLE. I think that certainly would be an essential act, because there certainly is no imputation or inference that any of those people who signed those petitions at the request of the circulators knew that the Communist Party was doing it or that they were Communists. In fact, we have the sworn testimony in this hearing by one or more of the circulators that he did not reveal to the people who signed, the fact that it was being circulated by members of the Communist Party.

Mr. SCHERER. I move that Mr. Tavenner's suggestion be complied with in making up the record.

Mr. MOULDER. Without objection, it is so ordered, and with that understanding, the suggestion made by counsel, the documents referred to by counsel will be admitted at this point in the record.

(Documents numbered 1 through 12 are similar to Kalman Bloch exhibits Nos. 1 and 2, pp. 3957 and 3960, respectively, and will not be reproduced in the printed record. They are on file in the committee's records.)

Mr. TAVENNER. Mr. George Kast.

Mr. MOULDER. Do you solemnly swear the testimony which you are about to give before the committee will be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. KAST. I do.

TESTIMONY OF GEORGE KAST, ACCOMPANIED BY COUNSEL, HUGH R. MANES

Mr. TAVENNER. What is your name, please, sir?

Mr. KAST. My name is George Kast, K-a-s-t.

Mr. TAVENNER. Will counsel accompanying the witness please identify himself for the record?

Mr. MANES. Hugh R. Manes, Hollywood.

Mr. TAVENNER. When and where were you born, Mr. Kast?

Mr. KAST. August 28, 1913, New York City.

Mr. TAVENNER. Do you now reside in Los Angeles?

Mr. KAST. I do.

Mr. TAVENNER. How long have you made Los Angeles your place of residence?

Mr. KAST. Approximately 20 years.

Mr. TAVENNER. What is your occupation?

Mr. KAST. Musician.

Mr. TAVENNER. Will you tell the committee briefly what your formal educational training has been?

Mr. KAST. I attended public schools in New York and 1 year of high school. At that time I left high school in order to devote myself to music. I won a New York Philharmonic scholarship. I studied at the Institute of Musical Art on a scholarship. I studied at the David Manes School of Music as a scholarship student.

Mr. TAVENNER. How long have you been engaged in the practice of your profession in Los Angeles?

Mr. KAST. Approximately 20 years.

Mr. TAVENNER. Will you tell the committee, please, whether or not at any time during that period you have been a member of branch O of the northwest section of the Communist Party, sometimes referred to as the musicians branch of the Communist Party?

Mr. KAST. I decline to answer on the grounds that the mandate of this committee purported to authorize inquiry into the field of propa-

ganda, entrenches upon an area in which Congress may not constitutionally legislate, and because also the mandate of this committee is so vague and indefinite as to deprive me of an adequate standard of conduct by which the demands of the question may be reasonably ascertained or established. And further, upon the grounds that the question pries into my private affairs which are protected from inquisition by the Bill of Rights of our Constitution, and because the question asked involves my personal opinions and associations, which are subject solely unrelated to any valid legislative purpose, and about which I may speak or remain silent as I choose. I am, therefore, relying upon the entire Bill of Rights insofar as that document incorporates and pertains to the foregoing reasons, and particularly upon the first amendment thereof.

Mr. SCHERER. I think the record should show that the witness read his last answer from a document, or documents that he had in his possession.

Mr. TAVENNER. Do you have any personal knowledge of a plan of the Communist Party to cause musicians who had affiliated with it to circulate petitions of the Independent Progressive Party of California in 1948?

Mr. KAST. I refuse to answer on the same grounds as stated previously.

Mr. TAVENNER. I hand you a photostatic copy of such a petition of the Independent Progressive Party bearing date, the 18th day of February 1948, at the end of which appears an affidavit over your name. Marked for identification only as "George Kast Exhibit No. 1." I ask you to examine it, please, and state whether or not you circulated that petition.

(Document handed to the witness and his counsel.)

Mr. KAST. I decline to answer the question on the grounds previously stated. However, for this particular question I have further grounds for declining. This question violates the right of secret ballot as guaranteed by American tradition and law. Further, it violates the right to petition the Government free from intimidation, as guaranteed by the Bill of Rights in the United States Constitution.

Mr. SCHERER. I think the record should show that that answer of the witness was read from a prepared document.

Mr. TAVENNER. I desire to offer in evidence, the document marked as "George Kast Exhibit No. 1."

Mr. MOULDER. The document as marked is admitted in evidence.

(This exhibit is similar to Kalman Bloch exhibit No. 1, p. 3957, and will not be reproduced in the printed record. It is on file in the committee's records.)

Mr. SCHERER. I think we should say, in view of the answer given, that there is nothing in the Constitution that prevents a district attorney, a court, or a congressional committee from investigating petitions such as have been the subject of this inquiry which were obtained and circulated by fraud or through fraud.

There is no constitutional provision or any other provision that prevents such investigation or such an inquiry.

(The witness confers with his counsel.)

Mr. SCHERER. There is no constitutional provision except the fifth amendment which permits a person not to answer.

Mr. DOYLE. Mr. Chairman, on that point, as long as the witness has relied upon the first amendment, involving the right of petition, the first amendment is:

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech or of the press; or the right of the people peaceably to assemble—

and here is the phrase that refers to the petitions—

and to petition the Government for a redress of grievances.

I don't think that that gives authority for the Communist Party subversively, fraudulently, and falsely to importune and impose upon the voters of the State of California to sign petitions to qualify a Communist front in the State of California. That is not the right of petition, as I see it. There is no right of petition involved. The Constitution doesn't give the Communist Party the right to perpetrate a deliberate fraud on the California voters. That is what this Communist Party group did, in my book.

Mr. TAVENNER. I hand you two photostatic copies of affidavits of registration bearing date, 22d day of April 1948, and the 21st day of November 1950, respectively, showing George Kast as of the dates mentioned in each affidavit to be affiliated with the Independent Progressive Party of California. They are marked "George Kast Exhibits No. 2 and No. 3," respectively, for identification.

Will you examine them, please, and state whether or not you signed either or both of those documents?

(Documents handed to the witness and his counsel.)

Mr. KAST. What was the question, sir?

Mr. TAVENNER. Did you sign either of the affidavits?

Mr. KAST. I think that violates the right that I have for a secret ballot, and I will refuse to answer that statement, based upon my previous grounds.

Mr. TAVENNER. Did you have personal knowledge of the Communist Party plan to cause its members, composed of the musicians group in the Communist Party, to change their registration to that of the Independent Progressive Party in 1948?

Mr. KAST. I refuse to answer that question on the previous grounds.

Mr. TAVENNER. I desire to offer in evidence the two documents marked "George Kast Exhibits No. 2 and No. 3," respectively.

Mr. MOULDER. The documents referred to as requested by counsel are admitted in evidence.

(These 2 exhibits, bearing dates of April 22, 1948, and November 21, 1950, respectively, as similar to Kalman Bloch exhibit No. 2, p. 3960, and will not be reproduced in the printed record. They are on file in the committee's records.)

Mr. TAVENNER. Are you now a member of the Communist Party?

Mr. KAST. I refuse to answer that question for all of the previous reasons stated.

Mr. TAVENNER. I have no further questions, Mr. Chairman.

(Representative Donald L. Jackson left the hearing room at this point.)

Mr. MOULDER. Questions, Mr. Doyle?

Mr. DOYLE. In connection with the circulation of those 11,000 petitions, largely circulated by members of the Communist Party in Cali-

fornia, I wish to make it clear as a resident of Los Angeles County and the State of California that I am very sure that a very, very insignificant proportion of those people who signed those petitions, under the fraudulent, subversive, and concealment methods used by the Communist Party in circulating them, had knowledge that the Communist Party in California was imposing upon them. I feel I ought to make that statement, Mr. Chairman, because I know that in those years many perfectly patriotic, fine, sound American citizens registered in the Independent Progressive Party.

Mr. SCHERER. Many, but not all.

Mr. DOYLE. I said many. I didn't say all, because I know that some very active Communists registered in the IPP in those days. And they never changed their subversive, deceitful, cheating attitude toward the Constitution of the United States except to subvert it.

Mr. TAVENNER. I have no further questions.

Mr. MOULDER. The witness is excused.

The Chair wishes to announce that it has been called to my attention that there is an organized effort for concentrated attendance of many people at the hearing here tomorrow morning.

I also wish to announce, of course, the attitude of the committee: That the public is invited to attend these hearings which are open hearings. But the committee will not tolerate any interference, demonstrations, or disturbance during the proceedings which will be held by the committee tomorrow.

Mr. MOULDER. The committee will recess until tomorrow morning at 9:30 a. m.

(Whereupon, at 5:25 p. m. April 20, 1956, the hearing was recessed until 9:30 a. m., Saturday, April 21, 1956. Present: Representatives Moulder, Doyle, and Scherer.)

INVESTIGATION OF COMMUNIST ACTIVITIES IN THE LOS ANGELES, CALIF., AREA—PART 10

SATURDAY, APRIL 21, 1956

UNITED STATES HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE OF THE
COMMITTEE ON UN-AMERICAN ACTIVITIES,
Los Angeles, Calif.

PUBLIC HEARING

A subcommittee of the Committee on Un-American Activities met at 9:35 a. m., pursuant to recess. in room 518, Federal Building, Los Angeles, Calif., Hon. Morgan M. Moulder (chairman of the subcommittee) presiding.

Committee members present: Representatives Morgan M. Moulder, of Missouri (presiding), Clyde Doyle, of California, Donald L. Jackson, of California (appearance as noted), and Gordon H. Scherer, of Ohio.

Staff members present: Frank S. Tavenner, Jr., counsel; William A. Wheeler and Courtney E. Owens, investigators.

(Representatives Moulder, Doyle, and Scherer were present at the time of convening.)

Mr. MOULDER. The committee will be in order, please.

The committee has unanimously agreed on the following announcement or order in the nature of an announcement: Those in the hearing room this morning are here as guests of the committee. During the past week on several occasions it has been necessary to remove from the hearing room persons who have interrupted the work of the committee by expressing their approval or disapproval of testimony by applause or other demonstrations. This subcommittee of the Congress is here in Los Angeles on business of the Congress of the United States and it is our determination and the determination of this committee that the work of the committee will not be interfered with by such demonstrations. The Chair has warned on previous occasions that any expression of disapproval or approval by any person present would result in the ejection of that person or persons responsible for such interruption from the hearing room. In light of the fact that many of those present in the room this morning are here at the request of others or have been urged to attend at the request of others in an organized effort to lend support to certain witnesses, the warning issued on previous days is enlarged this morning and the Chair will clear the hearing room, or order the United States marshal to clear the hearing room, for the balance of the day's work if any

demonstration is made by any person which causes an interruption in the proceedings or orderly procedure by the committee.

Are you ready to proceed, Mr. Tavenner?

Mr. TAVENNER. Will Mr. John W. Porter come forward, please, sir?

Mr. MOULDER. Please be sworn.

Do you solemnly swear that the testimony which you are about to give will be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. PORTER. I do.

TESTIMONY OF JOHN W. PORTER, ACCOMPANIED BY COUNSEL, ANTHONY V. RANGLES

Mr. TAVENNER. What is your name, please, sir?

Mr. PORTER. John Walter Porter.

Mr. TAVENNER. Will counsel accompanying the witness please identify himself for the record?

Mr. RANGLES. I am Anthony V. Randles, member of the State Bar Association of California.

Mr. TAVENNER. Are you a member of the Los Angeles bar?

Mr. RANGLES. I am a member of the State Bar Association of California, the official one, and also of the Los Angeles Bar Association.

Mr. TAVENNER. My question was directed at where you maintain your office, more than anything else.

Mr. RANGLES. Yes. I maintain my office in the city of Los Angeles.

Mr. TAVENNER. Mr. Porter, you have appeared before the Committee on Un-American Activities before this. I believe it was in 1952.

Mr. PORTER. September 30, 1952.

Mr. TAVENNER. At that time, you were questioned about the period when you were employed as an attorney by the National Labor Relations Board, and also while you were employed by the War Labor Board in Denver.

The committee at that time had not made an investigation regarding the organization of Communist Party cells within those two agencies where you were employed and they did not at that time have the benefit of the information which is now available to the committee through sworn testimony.

It is for that reason that we find it necessary to ask you to come back, not to repeat the subject of your former testimony, but to question you further regarding the matters which have developed during the course of a recent investigation.

Mr. MOULDER. In Washington, D. C.

Mr. TAVENNER. Yes. This investigation began during the year 1955 and resulted finally in the appearance of Prof. Herbert Fuchs as a witness before this committee.

Professor Fuchs, I may remind the committee, was solicitor at one time of the National Labor Relations Board in Washington and later was transferred to the War Labor Board in Denver, where he was elevated to a high position. The exact position, I do not recall at this time.

As a result of his testimony, hearings were held December 13, 14, and 15, 1955, in Chicago, and during February and March for a period of 3 weeks in Washington.

Professor Fuchs testified that he was a member of the Communist Party from 1934 to 1946. He testified that he was first a member of the Communist Party in New York before coming to Washington, but his first connection with the Communist Party while employed by the Government was in Washington while a member of the staff of a Senate committee. From there he went in 1937 to the National Labor Relations Board. According to his testimony he organized a group of the Communist Party within the staff of the Senate committee and he also organized a group of the Communist Party within the National Labor Relations Board.

The testimony that has been introduced during the course of these hearings which I have referred to has established the existence of at least two different organized groups of the Communist Party among the employees of the National Labor Relations Board in Washington. During the course of his testimony, Professor Fuchs identified you as a member of one of the groups of the Communist Party within the National Labor Relations Board in Washington and also the National War Labor Board in Denver.

Now, will you tell the committee, please, Mr. Porter, when you first became employed by the National Labor Relations Board?

Mr. PORTER. Counsel, my recollection of the dates of my employment by various agencies of the Federal Government, perhaps naturally enough, is no clearer today than it was at the time of my last appearance before this committee on September 30, 1952. And I note from looking at the transcript of the testimony at that time that I didn't recall such precise dates then either. I also note that at that time you appeared to have before you a rather complete file containing precisely this kind of information with reference to me. And it would therefore seem to me that the information is much more readily available to you than to me.

Mr. SCHERER. I request that you direct the witness to answer the question to the best of his ability.

Mr. MOULDER. The witness is directed to answer the question.

Mr. PORTER. May I have the question read, Mr. Chairman?

(The pending question was read by the reporter.)

Mr. PORTER. As I say, Mr. Chairman, I do not now recall precise dates any more than I did 3½ years ago. My best recollection is that it was sometime during either 1937 or 1938.

Mr. SCHERER. That is close enough.

Mr. TAVENNER. Was Professor Fuchs serving as an attorney for the National Labor Relations Board at that time?

Mr. PORTER. I do not recall as to that time, which, as my previous answer indicates, is somewhat vague in my memory. I do remember that a Herbert Fuchs was employed, as well as a good many others of us, by the National Labor Relations Board at the time that I was employed by the Board in Washington.

Mr. TAVENNER. Was Nathan Witt also an employee of the NLRB during that period of time?

Mr. PORTER. He was.

Mr. TAVENNER. Do you recall in what capacity?

Mr. PORTER. As I remember, Mr. Witt, at some period during my connection with the NLRB, was secretary to the Board.

Mr. TAVENNER. Prior to his being secretary to the Board, do you recall whether he was the General Counsel for the Board?

Mr. PORTER. No, I do not.

Mr. TAVENNER. Did you know him prior to your employment with the NLRB?

Mr. PORTER. Mr. Chairman, at the time of my previous appearance before this body I made it clear that, in my opinion, this committee, by virtue of the resolution under which it operates and the manner in which it has conducted itself, is without authority to investigate or inquire into the private associations and opinions and beliefs and activities of persons living within these United States, including myself. I stated that at that time with a good deal of emphasis because I believed it very firmly. My opinions in that respect since my previous appearance 3½ years ago have been no little fortified by decisions of the Supreme Court of the United States, including the Quinn case and the Ullmann case and the Slochower decision a week or two ago. I regret that the Court has not yet had occasion to deal directly with the question of the powers of this committee. I would have no desire to make a speech. Now, I simply want to say, Mr. Chairman and counsel, that I conceive that this committee is totally without right or authority under the Constitution to compel me to disclose anything with respect to my conscience, my opinions, or my associations which I do not choose to divulge.

I think that to recall me, as you have done for this purpose, is a further abuse of the powers which you have arrogated to yourself, but which cannot bear any reasonable or rational relationship to any legislative purpose. And without such a proper purpose, of course, as the Supreme Court indicated in the Quinn case, you have no authority.

Therefore, resting on my rights under the Constitution of the United States, and particularly the 1st amendment to the Constitution of the United States, upon the privilege afforded all of us by the 5th amendment of the United States Constitution not to be compelled to become witnesses against ourselves, and by the provisions of the 9th and 10th amendments to the Constitution reserving ultimate sovereignty in this country to the people of the United States, I decline to answer that question. And I shall similarly decline with respect to similar questions.

Mr. MOULDER. May I suggest, if you do so elect to decline to answer any other questions propounded to you by counsel, would you prefer to state that you reassert the same reasons which you have just stated?

Mr. PORTER. I think that is a useful suggestion; yes, Mr. Chairman.

Mr. MOULDER. Proceed, Mr. Tavenner.

Mr. TAVENNER. Will you tell the committee, please, how you obtained your employment with the National Labor Relations Board?

Mr. PORTER. I really don't remember, Counsel. I am sure that I made an application for employment. But the details associated with it are gone from my memory.

Mr. TAVENNER. Did Mr. Witt play any part in your selection as a member of the staff of the NLRB?

Mr. PORTER. I have no way of knowing about that.

Mr. SCHERER. Did you know Mr. Witt?

Mr. PORTER. I believe that is the question asked me before by counsel, sir.

Mr. SCHERER. I am asking at this time.

Mr. PORTER. And I make the same answer that I made before to that question.

Mr. MOULDER. That is, you decline to answer for the same reasons?

Mr. PORTER. I decline to answer upon the same grounds previously stated.

Mr. TAVENNER. Was Mr. Witt known to you to be a member of the Communist Party?

Mr. PORTER. To that question I decline an answer upon the same grounds and for the same reasons.

Mr. TAVENNER. Were you aware of the existence of more than one organized group of the Communist Party among the employees of the NLRB?

Mr. PORTER. Without accepting the statement, the formulation seeking to establish a fact not in evidence, I decline to answer that question, upon the same grounds and for the same reasons.

Mr. SCHERER. When you made an application for employment with the National Labor Relations Board, did you not state in your application that you were not a member of the Communist Party?

Mr. PORTER. I don't now recall the terms of the application. If it were shown to me, as I think it was on my previous appearance, the application would answer that question.

Mr. SCHERER. Did you answer a question "no," which asked whether or not you belonged to any organization that sought the overthrow of the Government of the United States by force and violence?

Mr. PORTER. As the transcript of the hearings of September 30, 1952, at pages 3950 and following, will show, that is true.

Mr. SCHERER. At the time you signed that application and gave that answer to that question, were you a member of the Communist Party?

Mr. PORTER. I decline to answer that question upon all of the grounds heretofore given.

Mr. SCHERER. When you signed that application——

Mr. PORTER. May I, sir, have the courtesy of an opportunity to complete my answer before you begin another question; and may I have the answer read back as far as I got?

(Whereupon, the record was read by the reporter as follows:)

I decline to answer that question upon all of the grounds heretofore given.

Mr. PORTER. I am sorry. I thought I hadn't completed it.

Mr. SCHERER. When you made that application, did you tell the truth?

Mr. PORTER. I am looking now in the transcript of the hearings——

Mr. SCHERER. Irrespective of what you testified to previously, did you tell the truth when you made application for employment with the Government of the United States?

Mr. PORTER. I would like to make the same answer as I made before with respect to that same question.

Mr. SCHERER. That would be helpful, if you made the same answer, I am sure.

Mr. MOULDER. Is that all, Mr. Scherer?

Mr. SCHERER. No. He is looking to see how he answered that question the last time, if it was asked. I was not a member of the committee then.

Mr. PORTER. The answer to this question which was asked me before and is now repeated, is now as it was then, that my statements on my application were true so far as I knew or understood at that time and now know or understand.

Mr. SCHERER. Did you understand at that time that the Communist Party, or Communist conspiracy, was dedicated to the overthrow of this Government by force and violence, if necessary?

Mr. PORTER. I decline to answer that question upon all of the grounds heretofore stated.

Mr. TAVENNER. Will you tell the committee briefly the nature of your duties while employed by the NLRB?

Mr. PORTER. I was employed as an attorney.

Mr. TAVENNER. Did your work require you to become closely associated with Mr. Herbert Fuchs?

Mr. PORTER. In the work of the Board, not as I recall.

Mr. TAVENNER. Were you associated with him in any other work?

Mr. PORTER. As to that, I decline to answer upon all of the grounds and for all of the reasons I have stated.

Mr. SCHERER. The fact is you were associated with him in the work of this Communist cell within the National Labor Relations Board, composed exclusively of United States Government employees. Is that not correct, Witness?

Mr. PORTER. I make the same answer, Congressman.

Mr. SCHERER. In other words, you feel, to answer my question might tend to incriminate you?

Mr. PORTER. I feel that to answer your question would be to surrender rights which the Constitution of the United States accords to me and which this committee, if it were not subverting the Constitution, would fight for. And I call to your attention, Congressman, since you have raised the point, that the Supreme Court of the United States on April 9, 1956, in the Slochower case—

Mr. SCHERER. I am very familiar with the Slochower case.

Mr. PORTER. Said just this, 2 or 3 sentences, which I want to emphasize to you, sir:

At the outset, we must condemn the practice of imputing the sinister meaning to the exercise of a person's constitutional right under the fifth amendment. The privilege against self-incrimination—

Mr. SCHERER. We have allowed you to invoke the fifth amendment. You have invoked—

Mr. PORTER. Would you allow me to finish what I am saying? I will not take much of your time.

The privilege against self-incrimination would be reduced to a hollow mockery if its exercise could be taken as equivalent either to a confession of guilt or a conclusive presumption of perjury. As we pointed out in Ullmann a witness may have a reasonable fear of prosecution and yet be innocent of any wrongdoing. The privilege serves to protect the innocent who otherwise might be ensnared by ambiguous circumstances—

and there is a citation there, Dean Griswold's book, called The Fifth Amendment Today, which I commend to the members of the committee.

Mr. SCHERER. I am not drawing any inference as to your membership in the Communist Party by your refusal to answer that question

and invoking the fifth amendment. I am relying upon the sworn testimony before this committee stating you were a member of the Communist Party. So I am not inferring anything from your invocation of the fifth amendment at this time.

The decision is not applicable.

Mr. TAVENNER. Were you acquainted with Mortimer Riemer, R-i-e-m-e-r, an attorney for the NLRB?

Mr. PORTER. I really don't remember as to that, Counsel, so far as the NLRB is concerned.

Mr. TAVENNER. Were you acquainted with Allan Rosenberg, who I believe became assistant to Mr. Witt, and who, for a while—

Mr. PORTER. No doubt I was, if he had that capacity at that time.

Mr. TAVENNER. Did you have any association with him in the Communist Party?

Mr. PORTER. I make the same answer as to similar questions previously put to me on the same grounds, I refuse to answer.

Mr. TAVENNER. Were you acquainted with Ruth Weyand, W-e-y-a-n-d, an attorney for the NLRB?

Mr. PORTER. I believe so. I knew probably all, or certainly most of the people who worked for the NLRB at the same time that I did in the same office.

Mr. SCHERER. Isn't Ruth Weyand the woman attorney who has been identified before this committee under oath as a member of the Communist Party, and who argued most of the important cases for the Government before the Supreme Court of the United States?

Mr. TAVENNER. Yes, that is true.

Mr. PORTER. A very able lawyer.

Mr. SCHERER. A very able Communist, too. I can understand now some of the rulings of the NLRB with the infiltration that took place in the National Labor Relations Board over a period of years.

Mr. TAVENNER. Was she known to you to be a member of the Communist Party?

Mr. PORTER. I decline to answer the question upon the grounds heretofore stated.

Mr. TAVENNER. Were you acquainted with David Rein, R-e-i-n?

Mr. PORTER. Was he employed at the same time that I was?

Mr. TAVENNER. He was a lawyer for the NLRB.

Mr. PORTER. At the same period?

Mr. TAVENNER. I am asking you that question.

Mr. PORTER. Well, unless you will assist me, Counsel, then I will simply decline to answer that question upon the grounds previously stated.

Mr. TAVENNER. I will assist you to this extent, that I do not recall what Mr. Rein testified to regarding the time of his employment.

Mr. SCHERER. He was employed at the same period Ruth Weyand was employed by the National Labor Relations Board, and he has been identified by 2 or 3 witnesses as a member of a cell of the Communist Party composed exclusively of employees of the National Labor Relations Board.

Mr. TAVENNER. I was not present when he testified but I did interrogate Professor Fuchs who identified him as a member of the same group of the Communist Party of which you were a member. Does that serve to refresh your recollection?

Mr. PORTER. I make the same answer I previously made, Counsel.

Let me say that so far as my acquaintance through my employment with fellow employees, whether lawyers or nonlawyers, I am willing to answer, I choose to answer your questions; as to associations and acquaintances and the like, outside of my employment in my private capacity as a citizen, exercising the rights of citizenship, I say that this committee has no right to inquire. I will not assist in violating those rights for anyone, including myself.

Mr. TAVENNER. Were you acquainted with Martin Kurasch, K-u-r-a-s-c-h?

Mr. PORTER. I recall him as a fellow attorney at the National Labor Relations Board.

Mr. TAVENNER. Did you know him as a member of the Communist Party?

Mr. PORTER. I decline to answer upon the grounds already stated.

Mr. TAVENNER. Were you acquainted with Joseph Robison, R-o-b-i-s-o-n?

Mr. PORTER. I remember him, as well as many others, as fellow employees at the NLRB.

Mr. TAVENNER. Do you remember him as a member of the Communist Party?

Mr. PORTER. I make the same answer and decline to answer.

Mr. TAVENNER. Were you acquainted with Woodrow Sandler, S-a-n-d-l-e-r?

Mr. PORTER. You mean as an employee of the NLRB?

Mr. TAVENNER. Yes.

Mr. PORTER. I actually don't recall.

Mr. TAVENNER. Do you recall having known him?

Mr. PORTER. I decline to answer that question upon the grounds already stated.

Mr. TAVENNER. Are you acquainted with Jacob H. Krug, K-r-u-g?

Mr. PORTER. As a lawyer at the Board?

Mr. TAVENNER. In any capacity.

Mr. PORTER. To that question I decline to answer on the grounds already stated.

Mr. TAVENNER. Was he a member of the Communist Party, to your knowledge?

Mr. PORTER. Same answer.

Is that sufficient, Mr. Chairman?

Mr. MOULDER. Yes. I think by making reference to your previous answer is sufficient to decline to answer and claim the privilege under the Constitution.

Mr. PORTER. Thank you.

Mr. TAVENNER. Were you acquainted with Harry Cooper?

Mr. PORTER. At the Board?

Mr. TAVENNER. Yes.

Mr. PORTER. I don't recall him.

Mr. TAVENNER. Did you know him as a member of the Communist Party?

Mr. PORTER. I make the same answer as to the same question.

Mr. TAVENNER. Did you know him in any other capacity?

Mr. PORTER. I decline to answer on the same grounds.

Mr. TAVENNER. Were you acquainted with Frank Donner, D-o-n-n-e-r?

Mr. PORTER. At the Board?

Mr. TAVENNER. Yes.

Mr. PORTER. I don't remember him.

Mr. TAVENNER. You do not remember ever having met Frank Donner?

Mr. PORTER. At the Board?

Mr. TAVENNER. At any time?

Mr. PORTER. You are asking a different question now, is that right?

Mr. TAVENNER. No, I just asked you the question whether you had ever met Frank Donner.

Mr. PORTER. Your previous question was limited, as a result of my inquiry, as I understood it, Counsel, to acquaintance as an employee of the NLRB. And I made the answer to that question. You are now asking me if I knew him in any other connection. I have already stated my position with respect to such questions. I adhere to it. I decline to answer upon the grounds already given.

Mr. TAVENNER. Mr. Chairman, may I ask that the witness be directed to answer the question, which was this: Have you ever met Frank Donner? He has not answered the question.

Mr. MOULDER. As requested by counsel, the witness is directed to answer the question.

(The witness confers with his counsel.)

Mr. PORTER. I think that I did answer that question, Mr. Chairman. However, to save time and avoid the necessity of rereading the record, I now decline to answer that question upon all the grounds I have previously stated.

Mr. TAVENNER. Have you ever met Edward Scheunemann, S-c-h-e-u-n-e-m-a-n-n?

Mr. PORTER. Asked in that form, I decline to answer the question upon the same grounds.

Mr. TAVENNER. Were you associated with him in work at the NLRB?

Mr. PORTER. I believe so.

Mr. TAVENNER. Were you associated with him in work in Denver when you were employed by the National War Labor Board?

Mr. PORTER. I think he was employed there at the same time, yes.

Mr. TAVENNER. Is there any uncertainty in your mind about that?

Mr. PORTER. Yes. It is a little vague to me.

Mr. TAVENNER. Did you know him as a member of the Communist Party while you were working for the National War Labor Board in Denver?

Mr. PORTER. I make the same answer as to the previous question.

Mr. TAVENNER. Were you acquainted with Bertram Diamond, D-i-a-m-o-n-d?

Mr. PORTER. Do you care to limit the question?

Mr. TAVENNER. No.

Mr. PORTER. I don't care to answer it for the same reasons already stated.

Mr. SCHERER. It wasn't a question of whether he cares to. Does he decline to answer for the same reasons as stated?

I ask you to direct the witness to answer the question.

Mr. PORTER. I decline to answer the question on the grounds stated.

Mr. TAVENNER. According to the testimony of Professor Fuchs, Victor Perlo was the Communist Party member on a higher level to

whom he reported in connection with the activities of the Communist Party within the NLRB. He testified that on at least one occasion Victor Perlo appeared before his group of the Communist Party organized within the National Labor Relations Board.

Did you ever attend a meeting of any group of individuals while you were employed by the National Labor Relations Board which was addressed by Victor Perlo?

Mr. PORTER. I refuse to answer that question upon the grounds I have previously given.

Mr. TAVENNER. Were you acquainted with Victor Perlo?

Mr. PORTER. I make the same answer.

Mr. TAVENNER. Another person to whom the cell in the NLRB was responsible was Arthur Stein, according to the testimony of Professor Fuchs. Were you acquainted with Arthur Stein?

Mr. PORTER. I make the same answer as to the preceding question.

Mr. TAVENNER. Were you a member of a Communist Party group organized within and consisting of employees of the National Labor Relations Board?

Mr. PORTER. I make the same answer as to the preceding question.

Mr. TAVENNER. According to your former testimony, you were employed by the National War Labor Board in Denver between March 1944 and April 1945.

Will you tell us, please, the circumstances under which you obtained that employment?

Mr. PORTER. The employment by the Regional War Labor Board at Denver?

Mr. TAVENNER. Yes, sir.

Mr. PORTER. All I recall is that I transferred from the Office of Price Administration in San Francisco, as I have previously testified here, to the Regional War Labor Board staff in Denver.

Mr. TAVENNER. Who assisted in having your assignment made effective?

Mr. PORTER. I don't know what your question means, Counsel.

Mr. TAVENNER. Were you solicited by the National War Labor Board to take employment there, or did somebody intercede in your behalf for your employment?

Mr. PORTER. You have asked a couple of questions. To save time here, I would say that with respect to similar questions before, at this appearance, and also at my debut before the committee I find my memory quite scanty on these details which seem so fascinating to you.

Mr. SCHERER. Whether they are fascinating or not, either answer to the best of your ability or decline to answer.

Mr. PORTER. I am endeavoring to answer the question, Congressman. And I think we will get to the answer a lot quicker if I am not interrupted.

Mr. SCHERER. If you don't make a speech every time, we will get to the answer. You are a lawyer and you know how to answer these questions. And when you decline to answer, that is all.

Mr. PORTER. If you want me to decline—

Mr. SCHERER. What is fascinating to Mr. Tavenner, or what may not be fascinating to him, certainly is not a proper answer.

You are a member of the bar.

Mr. PORTER. What strikes me about that, Congressman, is that these questions aren't proper questions from Mr. Tavenner, who is also a member of the bar.

Mr. SCHERER. That is your opinion.

Mr. PORTER. That is my opinion.

Mr. SCHERER. I can expect that from a man in your position, who has been identified as a member of the Communist Party.

Mr. PORTER. You can expect it from anyone who really believes in the guaranties of the first amendment to the Constitution, Congressman, and who really believes and practices what the Constitution says when it secures freedom of conscience and of association to everyone.

Mr. SCHERER. We can soon end this.

Professor Herbert Fuchs identified you as a member of the Communist Party while you were employed both by the National Labor Relations Board in Washington and while you were employed by the War Labor Board in Denver. When Professor Fuchs testified before this committee under oath concerning you in that respect, was he telling the truth?

Mr. PORTER. I decline to answer that question upon the grounds heretofore stated, just like similar questions.

Mr. SCHERER. All right.

Mr. TAVENNER. The committee's investigation shows that the following persons who had worked together in the NLRB in Washington were employed in the National War Labor Board in Denver: John W. Porter, Martin Kurasch, Edward Scheunemann, and Herbert Fuchs.

Can you give the committee any explanation of how this group who had been associated together in Washington happened to become employed at the same time and at the same place by the National War Labor Board in Denver?

Mr. PORTER. I suppose that all four were hired at about the same time.

Mr. TAVENNER. That is quite obvious from what I stated. My question was whether or not you know of any circumstances which would indicate how they happened to be employed at the same time and at the same place.

Mr. PORTER. Even the circumstances of my own employment by the Board in Denver, as I have already indicated, are vague in my memory, and I have no knowledge about the employment of others.

Mr. TAVENNER. Did you confer with any of those people I have just named prior to your employment with the War Labor Board?

Mr. PORTER. With reference to my employment?

Mr. TAVENNER. Yes.

Mr. PORTER. I doubt it. I was in San Francisco. I don't think any of them were.

Mr. TAVENNER. Did you correspond with them or did you confer with them?

Mr. PORTER. I really do not recall.

Mr. TAVENNER. Did you confer with Philip Reno by any means of communication relative to your employment?

Mr. PORTER. I decline to answer that question on the grounds already stated.

Mr. TAVENNER. Did you know Philip Reno in Washington while you were employed by the National Labor Relations Board?

Mr. PORTER. I make the same answer as to the previous question.

Mr. TAVENNER. Did he play any part in procuring your employment in Denver?

Mr. PORTER. You would have to ask him.

Mr. TAVENNER. I am asking you.

Mr. PORTER. I don't know.

Mr. TAVENNER. You do not know?

Mr. PORTER. That is right.

Mr. TAVENNER. Did you confer with him about it?

Mr. PORTER. I make the same answer.

Mr. SCHERER. Wait a minute. The same answer was he doesn't know. Is that the same answer?

Mr. PORTER. I decline to answer upon the grounds already stated with respect to the same question.

Mr. TAVENNER. By that do I understand you do not know whether he was successful in procuring your employment with the War Labor Board?

Mr. PORTER. Would you state that again?

Mr. TAVENNER. Would you read him the question?

(The pending question was read by the reporter.)

(The witness confers with his counsel.)

Mr. PORTER. The question assumes he had something to do with it.

Mr. TAVENNER. Did he?

Mr. PORTER. I have already answered that question. I do not know.

Mr. TAVENNER. Was Philip Reno employed by the National War Labor Board, in Denver?

Mr. PORTER. I really can't recall. He may have been.

Mr. TAVENNER. Were you acquainted with him while you were living in Denver?

Mr. PORTER. I decline to answer that question upon the grounds as I have given with respect to similar questions as to my associations.

Mr. TAVENNER. Was he a member of the Communist Party, to your knowledge?

Mr. PORTER. I decline to answer it on the same grounds.

Mr. TAVENNER. Were you acquainted with Gerald J. Matchett, M-a-t-c-h-e-t-t?

Mr. PORTER. Are you limiting the question?

Mr. TAVENNER. No.

Mr. PORTER. I decline to answer on the same grounds.

Mr. TAVENNER. Was he employed by the National War Labor Board, in Denver, at the time you were employed there?

Mr. PORTER. I believe so.

Mr. TAVENNER. Were you acquainted with Lawrence Raymond LaVallee, L-a-Va-l-l-e-e?

Mr. PORTER. Is that question limited?

Mr. TAVENNER. No.

Mr. PORTER. I decline to answer that question upon the grounds already stated.

Mr. TAVENNER. Was he employed by the National War Labor Board?

Mr. PORTER. Would you reword the question, Counsel? Who are you asking me about now?

Mr. TAVENNER. Was Mr. LaVallee employed by the National War Labor Board, in Denver, while you were employed there?

Mr. PORTER. What was the name again?

Mr. TAVENNER. Lawrence Raymond LaVallee.

Mr. PORTER. Well, as I stated with reference to the NLRB in Washington, I suppose that I knew—and this would be even more true in the case of the Board, Regional War Labor Board, in Denver, which was a relatively small staff—I suppose that I knew everybody at least by name, but I don't now recall all of the names.

My answer to the question is: I do not remember.

Mr. TAVENNER. Was Dwight Spencer employed by the National War Labor Board, in Denver, while you were employed there?

Mr. PORTER. He was.

Mr. SCHERER. Have all of these persons you are mentioning either been identified under oath as members of the Communist Party or have they admitted membership in the Communist Party?

Mr. TAVENNER. All of these persons have been identified by Professor Fuchs as members of the Communist Party group in Denver.

Did you know Dwight Spencer as a member of the Communist Party?

Mr. PORTER. I decline to answer the question upon the grounds already stated.

Mr. TAVENNER. Was Arlyne Plumb, P-l-u-m-b, an employee of the National War Labor Board while you were so employed?

Mr. PORTER. I believe she was one of the employees of the Board; yes.

Mr. TAVENNER. Was she a member of the Communist Party?

Mr. PORTER. I refuse to answer that question upon the grounds given.

Mr. TAVENNER. Do you recall what position Prof. Herbert Fuchs had with the National War Labor Board, in Denver?

Mr. PORTER. I recall two positions that he had. One was director of the Disputes Division, as I remember the title, and the other was vice chairman, I believe, public member of the regional board.

Mr. TAVENNER. Can you tell the committee how any of the individuals about whom I have asked you received their employment with the National War Labor Board, in Denver?

(The witness confers with his counsel.)

Mr. PORTER. Since that question is so broad, Mr. Chairman, I decline to answer it upon the grounds previously stated.

Mr. SCHERER. Just a minute. Are you refusing to answer the question on the basis that it is so broad, or that the answer might tend to incriminate you? Which one?

Mr. PORTER. On the grounds that I have already stated with respect to other questions which I have declined to answer.

Mr. SCHERER. That is on the basis of the 1st, 5th, 4th and 10th amendments, then?

Mr. PORTER. Ninth and tenth.

Mr. SCHERER. All right; 9th and 10th. One of the grounds being, then, that your answer might tend to incriminate you, which we recognize as a proper answer.

Mr. PORTER. And also that the question could not serve any proper legislative purpose, a limitation which bears directly upon the operations of this committee.

Mr. SCHERER. I just want to get the record straight that you were refusing to answer the question on the basis of the amendments and not because the question was too broad.

Mr. DOYLE. Mr. Chairman, in view of the attorney's observation that counsel's question could not serve any legislative purpose, may I make this observation: Of course, it could serve a legislative purpose if we discovered that members of the Communist Party conspiracy were seeing to it that other Communists got into the employ of the United States Government, which they are trying to overthrow. That is the reason it could serve a legislative purpose, Mr. Porter.

Mr. SCHERER. Not only could, but it has, Mr. Doyle. The infiltration took place into 51 agencies of the Federal Government. Our most vital secrets were stolen and sent to Russia. And as a result, we have passed 43 pieces of legislation, or recommended administrative changes which have been adopted as a result of the recommendations of this committee over the past few years.

Mr. MOULDER. Let's proceed, Mr. Tavenner.

Mr. DOYLE. May I make one further comment, Mr. Chairman?

Mr. MOULDER. Yes, Mr. Doyle.

Mr. DOYLE. Not only that, but the record shows in uncontradicted manner, all over the country, that the philosophy and ideology of the practice of the Communist Party is inconsistent and diametrically opposed to the interests and policies and ideologies of patriotic American organized labor. Therefore, it is very dangerous to allow Communists to get into control of the staff dealing with labor in the United States, because they destroy organized labor as patriotic American labor men know it, and subvert the American labor movement to the purpose of the Communist conspiracy wherever they can.

Mr. PORTER. I never observed this committee, if I may say so, Mr. Chairman, exhibiting any great concern for the interests of organized labor.

Mr. DOYLE. You should read and keep your eyes and ears open, then.

Mr. MOULDER. May I caution the people who are present in the hearing room, of my previous announcement in the opening of the session this morning; that is, to respectfully ask you to make no demonstrations or expressions which would disturb the orderly procedure in the hearing of the witnesses before this committee.

However, I do feel, Mr. Counsel, that I should say to Mr. Porter—and I am sure it applies to other members of the committee—that even though I do not represent what is generally referred to as an organized labor congressional district, but one which is predominantly agriculture, I have consistently and on all occasions voted for and supported all of the legislation proposed and submitted by organized labor, and I sincerely believe in the rights and privileges and objectives of organized labor.

Mr. PORTER. I am happy to hear that, Mr. Chairman.

Mr. TAVENNER. Mr. Porter, did you recommend any of the persons about whom I have inquired for employment in the National War Labor Board in Denver?

Mr. PORTER. Recommend to whom?

Mr. TAVENNER. To anyone.

Mr. PORTER. I decline to answer that question on the grounds already stated.

Mr. TAVENNER. Did Philip Reno, to your knowledge, recommend the appointment of any of these persons about whom I have inquired?

Mr. PORTER. I decline to answer that question upon the same grounds.

Mr. TAVENNER. I have no further questions, Mr. Chairman.

Mr. MOULDER. Any questions, Mr. Doyle?

Mr. DOYLE. I have a couple.

Mr. Porter, being a member of the California bar the same as I am, I presume you are a member of the American Bar Association also?

Mr. PORTER. No; I am not.

Mr. DOYLE. We all know what the American Bar Association is. Therefore, I want to read just one paragraph from a brief filed in the Supreme Court of the United States by the American Bar Association.

Mr. PORTER. Would you give the name of the case in which that was filed, Congressman?

Mr. DOYLE. Yes. *Communist Party of the United States of America v. Subversive Activities Control Board*. No doubt you are familiar with it.

Mr. PORTER. Yes, not decided by the Supreme Court of the United States.

Mr. DOYLE. That is right. I want to read a paragraph of this because I think it is pertinent. You are a lawyer, and so am I. You question the duty of Congress, you question the jurisdiction of Congress, you question the validity of the resolution under which we operate.

I read at page 4 for your attention.

Mr. PORTER. Yes, sir.

Mr. DOYLE. You have the decision there. Read with me.

Congress has a duty and the power to enact laws to safeguard the security and welfare of the Nation.

There is no purpose or power in the Government more fundamental than the protection of the Nation from invasion, domination or subversion.

The duty and the power were specifically vested by the people in our Federal Government by constitutional mandate. The words of the preamble "insure domestic tranquility, provide for the common defense, promote the general welfare, * * *" were supported by the specific grants of powers in article I, Section 8. To amplify those express powers, the Constitution further provided Congress with the general power "to make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this Constitution in the Government of the United States, or in any department or officer thereof."

The power of Congress to protect our people embraces every phase of national security. The duty of self-preservation must be exercised within the framework of the Constitution. The duty and the power of the Congress have well been restated by this Court in *Dennis v. United States* (341 U. S. 491), by Chief Justice Vinson at page 501; by Justice Frankfurter at page 519.

There can be no individual rights or freedoms without national security.

In the light of existing conditions the Congress would have been derelict in its duty had it not enacted legislation within its power deemed by it adequate to protect the national welfare. The country was entitled to protection—not alibis or epitaphs.

Where no constitutional or statutory provision is violated, the courts are no more immune from the duty to safeguard the Nation than is the Congress or the President.

I recognize that that is not dealing with the subject specifically of congressional investigations.

Now, may I invite your attention to the fact that, since you quoted or referred to the case of *Quinn v. United States*—

Mr. PORTER. Before you do that, Mr. Doyle, could I call your attention to something from another amicus brief in the same case before the Supreme Court of the United States?

Mr. DOYLE. Let me finish my statement. I am referring to the American Bar Association, which is the national organization of American lawyers.

Mr. PORTER. It is a national organization, Mr. Doyle. I am sure you know that there are a number of others, including the National Bar Association.

Mr. DOYLE. Yes.

Mr. PORTER. Which, unfortunately, due to the undemocratic policies of the American Bar Association, had to be formed by Negro lawyers in the United States who were not admitted to membership in the American Bar Association.

And there is also the National Lawyers Guild. There are also national organizations of women attorneys. I think it is quite misleading—

Mr. DOYLE. Just a minute.

Mr. SCHERER. Will you yield for one question, Mr. Doyle?

Do you belong to the National Lawyers Guild?

Mr. PORTER. May I be permitted to finish what I was saying?

Mr. DOYLE. I didn't go into those subjects and I want to finish my statement. I went into one subject—what the duty of Congress was under the Constitution.

Mr. PORTER. I simply want to point out that the American Bar Association is not the national lawyers' organization. It is one of them.

Mr. DOYLE. In my book it is the organization.

Mr. MOULDER. May I suggest, Mr. Doyle, Mr. Scherer, and the witness and everyone, let us avoid, if we can, any arguments concerning bar associations and decisions of the courts. The witness has been on the stand for an hour and 15 minutes. I hope we can proceed as quickly as possible.

Mr. DOYLE. Since this witness has referred to a certain decision, I want to read one paragraph from it. The case referred to is *Quinn v. U. S.*, decided May 23, 1955.

The court, at page 5 thereof, said this:

There can be no doubt as to the power of Congress by itself or through its committees to investigate matters and conditions relating to contemplated legislation. This power, deeply rooted in American and English institutions, is indeed coextensive with the power to legislate. Without the power to investigate—including, of course, the authority to compel testimony, either through its own processes or through judicial trial—Congress would be seriously handicapped in its efforts to exercise its constitutional function wisely and effectively.

I read the second paragraph on page 5:

But the power to investigate, broad as it may be, is also subject to recognized limitations. It cannot be used to inquire into private affairs unrelated to a valid legislative purpose. Nor does it extend to an area in which Congress is forbidden to legislate.

Mr. PORTER. There is more to that paragraph, Mr. Doyle, which is really a part of the same thought. Would you read it?

Mr. DOYLE. Yes; I will read it.

Mr. PORTER. Thank you.

Mr. DOYLE. I read the part of the second paragraph which has been quoted by a certain alleged committee that is attacking this committee. That is the reason I stopped at that point, Mr. Porter.

Similarly, the power to investigate must not be confused with any of the powers of law enforcement; those powers are assigned under our Constitution to the executive and the judiciary. Still further limitations on the power to investigate are found in the specific individual guaranties of the Bill of Rights, such as the fifth amendment's privilege against self-incrimination which is in issue here. (End of quote.)

Mr. PORTER. Thank you.

Mr. DOYLE. I stopped at that point because there have been misrepresentations throughout the Los Angeles area by an alleged committee, Citizens Committee to Preserve American Freedoms, to the effect of advertising that this decision was a unanimous one. Manifestly there were two dissents.

I wish now to call attention to the fact that we are operating under Public Law 601, the 79th Congress. That is the resolution, I take it, to which you referred. In my concluding statement at this point, in view of your observation, I have taken the position, and I still take the position, that I recognize the right and I will fight for the right of every American citizen to think what he pleases, to be what he pleases, to write what he pleases, to pray the way he wants, and to live the way he wants. But they have to do it within the four corners of the Constitution of the United States. And that is what the Communist Party of the United States does not do.

Mr. PORTER. You can't have it both ways, Mr. Doyle. You can't be a member of this committee and participate in its activities and carry out what you say you believe in the statement you just made.

Mr. DOYLE. I have been doing it and I feel pretty good about it. I think I have uncovered or helped uncover some dangerous people and dangerous programs that are designed to defeat the constitutional Government of my country.

Mr. MOULDER. May we proceed?

Have you any questions, Mr. Scherer?

Mr. SCHERER. Just one question.

You mentioned the National Lawyers Guild. Are you a member of the National Lawyers Guild?

Mr. PORTER. I certainly am.

Mr. SCHERER. It has been declared a Communist-front organization, has it not, and been cited?

Mr. TAVENNER. Yes, sir.

Mr. SCHERER. That is all.

Mr. TAVENNER. I have no further questions.

Mr. MOULDER. You are excused as a witness, Mr. Porter. You may, if you so desire, claim witness fees with the clerk who sits immediately behind you.

Mr. PORTER. May I make one brief statement in reply to Congressman Scherer's characterization of the National Lawyers Guild which is misleading?

Mr. MOULDER. We want to expedite the hearings as rapidly as possible, Mr. Porter. You are now excused as a witness. The committee will stand in recess for 5 minutes.

(Whereupon, a short recess was taken, there being present Representatives Moulder, Doyle, and Scherer.)

(The committee was reconvened upon the expiration of the recess, there being present Representatives Moulder, Doyle, and Scherer.)

Mr. MOULDER. Will the people in the hearing room come to order and be seated as quickly as possible.

Would you please call your next witness, Mr. Tavenner?

Mr. TAVENNER. Mrs. Jessica Rhine Wildman. Will you come forward, please?

Mr. MOULDER. Will you hold up your right hand and be sworn? Do you solemnly swear the testimony which you are about to give will be the truth, the whole truth, and nothing but the truth, so help you God?

Mrs. WILDMAN. I do. Mr. Chairman, may I ask that you summon my attorney, please, Mr. Margolis?

Mr. MOULDER. Is Mr. Margolis here?

Proceed, Mr. Tavenner.

TESTIMONY OF JESSICA WILDMAN, ACCOMPANIED BY COUNSEL, BEN MARGOLIS

Mr. TAVENNER. What is your name, please?

Mrs. WILDMAN. My name is Jessica Wildman.

Mr. TAVENNER. Will counsel accompanying the witness please identify himself for the record?

Mr. MARGOLIS. Ben Margolis of Los Angeles.

Mr. SCHERER. I didn't get the witness' last name.

Mrs. WILDMAN. Wildman.

Mr. TAVENNER. Is that your present married name?

Mrs. WILDMAN. That is correct.

Mr. TAVENNER. What was your married name prior to your marriage to Mr. Wildman?

Mrs. WILDMAN. My name was Jessica Rhine.

Mr. TAVENNER. How do you spell Rhine?

Mrs. WILDMAN. R-h-i-n-e.

Mr. TAVENNER. What was the date of your marriage to Mr. Wildman?

Mrs. WILDMAN. August 2, 1952.

Mr. TAVENNER. Where were you born, Mrs. Wildman?

Mrs. WILDMAN. Chicago, Ill.

Mr. TAVENNER. Where do you now reside?

Mrs. WILDMAN. Los Angeles.

Mr. TAVENNER. How long have you lived in Los Angeles?

Mrs. WILDMAN. For approximately 2 years.

Mr. TAVENNER. Will you tell the committee, please, what your formal educational training has been?

Mrs. WILDMAN. Yes, sir. I am a graduate of the George Mason High School in Alexandria, Va. George Mason was the author of the Bill of Rights as appears in the Constitution of the State of Virginia, and one of the most ardent sponsors of the Bill of Rights in the Constitution of the United States of America.

Mr. TAVENNER. Does that complete your educational training?

Mrs. WILDMAN. Well, I had one more year of school. For one year I attended the art school at the Corcoran National Art Gallery in Washington.

Mr. TAVENNER. Will you tell the committee, please, what your employment has been since 1935?

Mrs. WILDMAN. Since 1935 I have worked for various agencies of the United States Government, for several organizations and several private business firms.

Mr. TAVENNER. What was your first employment in the United States Government?

Mrs. WILDMAN. Well, I am not quite sure whether when I worked for the Civil Works Administration in the city of Washington, D. C., it was part of the Washington, D. C. government or the Federal Government, but that was my first Government employment.

Mr. TAVENNER. What was the date of that employment?

Mrs. WILDMAN. Either 1932 or 1933, I don't remember which.

Mr. MOULDER. May I suggest to the witness the Civil Works Administration wasn't established until after 1932.

Mrs. WILDMAN. It must have been 1933.

Mr. MOULDER. Yes.

Mr. TAVENNER. What was your next employment?

Mrs. WILDMAN. After that I went to work for the National Recovery Administration.

Mr. TAVENNER. What was the period of your employment there?

Mrs. WILDMAN. I don't know whether I started late in 1933 or early in 1934. In any event, I worked there until January of 1936 or December of 1935.

Mr. TAVENNER. Then did you have other Government employment after December?

Mrs. WILDMAN. Yes.

Mr. TAVENNER. 1935 or January 1936?

Mrs. WILDMAN. Yes. I worked following that for the Railroad Retirement Board.

Mr. TAVENNER. Was that in the city of Washington?

Mrs. WILDMAN. Yes, it was.

Mr. TAVENNER. How long were you employed by the Railroad Retirement Board?

Mrs. WILDMAN. Well, that is a difficult question, too, because it was one of those on-again off-again things. I went to work first for the Railroad Retirement Board and then for a brief period, although I continued to work for the Railroad Retirement Board on a research project, I happened technically to be on the payroll of the WPA. After that, having acquired civil service status, I returned to the payroll of the Railroad Retirement Board and I remained there until shortly before Pearl Harbor, some time in 1941.

Mr. TAVENNER. All of that employment was in the city of Washington, was it not?

Mrs. WILDMAN. Almost all of it. All except for a very brief period when I worked for the NRA in New York.

Mr. TAVENNER. I meant to say all of your employment while you were on the payroll of the Railroad Retirement Board and the WPA was in the city of Washington?

Mrs. WILDMAN. Yes.

Mr. TAVENNER. Then, during 1941, did you take on new employment?

Mrs. WILDMAN. Yes, I did.

Mr. TAVENNER. What was that?

(The witness confers with her counsel.)

Mrs. WILDMAN. I was employed as assistant research director for a labor union.

Mr. TAVENNER. How long did that employment continue?

Mrs. WILDMAN. Until 1943.

Mr. TAVENNER. What labor organization was it?

Mrs. WILDMAN. Mr. Tavenner and Mr. Chairman, this is the first question that I am going to decline to answer, and I am going to decline this answer for two very simple reasons: First, that if I were to answer it I would be voluntarily surrendering my rights to freedom of speech, freedom of thought, and freedom of association. These rights were fought too hard for by our forefathers for me to voluntarily surrender them just because a big stick is waved at me.

Secondly, if I were to answer this question and start down the path laid out by this committee, at its end I would be either a groveling, sniveling conformist or an unspeakable odious informer. I prefer to remain a woman.

Mr. TAVENNER. Will you direct the witness to answer?

Mr. MOULDER. The witness is directed to answer the question.

Mrs. WILDMAN. In addition to the first, let me say, I refuse to answer the question, Mr. Chairman, and in addition to the reasons just set forth I base my refusal on the Bill of Rights in its entirety, including its spirit and its legislative background, and very specifically on the 1st, 4th, 5th, 6th, 7th, 8th, 9th, and 10th amendments.

Mr. SCHERER. I think we should state for the record that we do not accept the witness' answer because, obviously, to state what labor union she was employed by cannot any more incriminate her than can her stating what agencies of the Federal Government she was employed by. And therefore it is obvious that she is not invoking the fifth amendment in good faith, because I cannot, for the life of me, possibly see how telling us what labor union she was employed by could incriminate her in any way.

(The witness confers with her counsel.)

Mr. MOULDER. Do you request that the witness be directed to answer?

Mr. SCHERER. I think you have directed her.

Mr. MOULDER. Mrs. Wildman, concerning any future questions propounded to you by counsel which you wish to decline to answer for the reason stated, would it be agreeable with you to state that you are reasserting the same reason which you have just stated by reference thereto?

Mrs. WILDMAN. Yes, it would be, Mr. Chairman, provided you know that if I think of additional reasons it is all right if I supplement that answer from time to time.

Mr. MOULDER. Proceed, Mr. Tavenner.

Mr. TAVENNER. You indicated that you had changed your employment in 1943.

Mrs. WILDMAN. Yes.

Mr. TAVENNER. What was your new employment in 1943?

Mrs. WILDMAN. I went to work as a person responsible for handling War Labor Board cases for another labor union.

Mr. TAVENNER. How long did you work in that capacity?

Mrs. WILDMAN. Until election day of 1944.

Mr. SCHERER. And what labor union was that that you worked for?

Mrs. WILDMAN. Mr. Chairman, I decline to answer that question for the reasons previously stated.

Mr. SCHERER. I ask that you direct the witness to answer the question as to what labor union she was employed by.

Mr. MOULDER. The witness is directed to answer.

Mrs. WILDMAN. Having been directed, the answer is the same: that I decline to answer for the reasons previously stated.

Mr. SCHERER. And I restate what I said before, that I——

Mrs. WILDMAN. Mr. Chairman, can I comment on that for a minute?

Mr. Scherer has expressed his opinion, and, to be sure, he is entitled to his opinion. My opinion happens to be otherwise. And I mean, this committee has attempted to smear organizations as well as individuals. And I think Mr. Scherer's opinion is incorrect, and I rely on the grounds I just stated.

Mr. SCHERER. When we do not accept the reasons advanced by a witness for declining to answer, the Supreme Court has directed us to tell the witness, before we can possibly hold him in contempt, that we do not accept the answer, and state our reasons for not accepting the answer. I am therefore complying strictly with the recent decision of the Supreme Court directing us to make such a statement, because I feel in this case the witness has subjected herself for contempt and I must, in accordance with that decision, lay the basis for the motion that I will make later asking that she be cited for contempt.

Mrs. WILDMAN. Mr. Chairman, I would like to ask if the Supreme Court has directed the members of this committee to threaten and intimidate witnesses?

Mr. MOULDER. You are not being intimidated.

Mrs. WILDMAN. I certainly am being threatened.

Mr. MOULDER. Mr. Scherer has made a statement which he has in accordance with the decision of the court. It is our duty to advise you, to warn you of the dangers involved in the event you are in contempt of the committee. Therefore, this committee has had to notify you that your failure to answer the question might make you subject to contempt.

Is that correct, Mr. Scherer?

Mr. SCHERER. No question about it.

Mr. MOULDER. It is not for the purpose of intimidation nor is it in the nature of a threat.

Mr. SCHERER. It is a mandate clearly set forth in the Quinn and Emspak cases which these people have been citing. I am trying to follow the decisions of the Supreme Court. I don't agree with many of the provisions in those decisions, but nevertheless, I realize that as long as it is a decision of the Supreme Court I must and I will follow it.

Mr. MOULDER. Proceed, Mr. Tavenner.

Mr. TAVENNER. During the period of time between 1943 and 1944 when you say you represented a labor union in the handling of labor cases, did your work require you to be in contact with members of the National Labor Relations Board?

(The witness confers with her counsel.)

Mrs. WILDMAN. No, it didn't.

Mr. TAVENNER. Did your work require you to be in contact with the National Labor Relations Board?

Mrs. WILDMAN. Oh, certainly.

Mr. TAVENNER. In the city of Washington?

Mrs. WILDMAN. No.

Mr. TAVENNER. Where?

Mrs. WILDMAN. In the city of Philadelphia.

Mr. TAVENNER. Were you located during any period of that time in Denver?

Mrs. WILDMAN. During which period of time?

Mr. TAVENNER. 1943 to 1944.

Mrs. WILDMAN. No.

Mr. TAVENNER. Were you there at any other time?

Mrs. WILDMAN. Yes.

Mr. TAVENNER. When was that?

Mrs. WILDMAN. Oh, wait a minute. I want to correct that earlier answer.

I was in Denver in 1943. I didn't live there but I went there on a business trip.

Mr. TAVENNER. Did your trip have any connection with work before the National War Labor Board?

Mrs. WILDMAN. No.

Mr. TAVENNER. Did you at any time have any contact with the National War Labor Board in Denver?

(The witness confers with her counsel.)

Mrs. WILDMAN. To the best of my recollection the answer is "no."

Mr. TAVENNER. Were you acquainted with Philip Reno, an employee of the National War Labor Board in Denver?

Mrs. WILDMAN. This question I shall refuse to answer on the grounds previously stated.

Mr. TAVENNER. Did you know Philip Reno in Washington?

Mrs. WILDMAN. This question I shall also refuse to answer on the grounds previously stated.

Mr. TAVENNER. All right, now, the last employment that you have told us about was in 1944 for a labor union, the name of which you refuse to give us.

What was your next employment?

Mrs. WILDMAN. My next employment was preparing War Labor Board cases for another labor union.

Mr. TAVENNER. A different union.

Were your duties similar in the two instances?

Mrs. WILDMAN. Yes.

Mr. TAVENNER. What was the period of time you were so employed?

Mrs. WILDMAN. In that particular capacity—see, there was a period of time out there, there was a period of time that I didn't work. I am finding it a little bit difficult to reconstruct the dates. Sometime from nineteen—from some time in 1945 until some time in 1947, I believe.

Mr. TAVENNER. How were you employed between 1944 and some time in 1945 when you began this new employment?

Mrs. WILDMAN. Oh, I was employed giving birth to my third child.

Mr. TAVENNER. During this period from 1945 to 1947, did you handle any labor problems before the National Labor Relations Board in Washington?

(The witness confers with her counsel.)

Mrs. WILDMAN. I am trying to recall, Mr. Tavenner. But I don't remember having done so.

Mr. TAVENNER. What was your employment after 1947?

(Representative Donald L. Jackson entered the hearing room at this point.)

Mrs. WILDMAN. I became regional director for a labor union.

Mr. SCHERER. What labor union?

Mrs. WILDMAN. I decline to answer that question on the grounds previously stated.

Mr. SCHERER. I ask that you direct the witness to answer the question.

Mr. MOULDER. The witness is directed to answer the question.

(Representative Donald L. Jackson left the hearing room at this point.)

Mrs. WILDMAN. Having been directed to answer, my answer is the same. I decline to answer on the grounds previously stated.

Mr. SCHERER. And I restate for the record that we do not accept that answer because we feel that she is improperly invoking the fifth amendment in her refusal to answer as to what labor union she works for.

(The witness confers with her counsel.)

Mrs. WILDMAN. Mr. Chairman, one, I would like to know whether Mr. Scherer is speaking for the entire subcommittee. First, I would like to know that. And then I would like to make another comment on what he has to say.

Mr. MOULDER. I understand that in invoking the provisions of the Constitution you have stated all of the—

Mrs. WILDMAN. No, sir; I excluded article II because I don't have a gun, and I excluded article III because the question of barracking soldiers in my house hasn't come up. And I don't expect it to.

Mr. MOULDER. You asked a question. The statement made by Congressman Scherer is made by unanimous consent of all the committee.

Mrs. WILDMAN. Then, may I make a comment, Mr. Chairman: I mean, is Mr. Scherer the only one entitled to make comments?

Mr. SCHERER. Regular order. You are here to answer questions or invoke the fifth amendment and refuse to answer.

Mrs. WILDMAN. I would like to—I thought people had as much rights as Congressmen did. I thought I am as good a person as you are, even though you have a higher back to your chair.

Mr. SCHERER. I don't happen to have belonged to the Communist Party. That is the chief difference. Otherwise I think you are as good a person as I am.

Mrs. WILDMAN. May I make a brief comment, Mr. Chairman? I assure you I won't take up much time.

Mr. SCHERER. Do you deny that you were a member of the Communist Party, Madam?

Mrs. WILDMAN. I have asked the chairman a question, Mr. Scherer. Do you have to be rude enough to interrupt before I get an answer?

Mr. SCHERER. I ask for regular order.

Mr. MOULDER. The request is refused. Will the witness please respond to the questions asked by counsel, and let's proceed in an orderly manner.

Mr. TAVENNER. Mrs. Wildman, in 1947, when you were made regional director of a labor union, were you director for the same labor union that you were employed by between the years 1945 and 1947, or was it a different union?

Mrs. WILDMAN. It was the same one.

Mr. TAVENNER. What was your next employment after 1947?

Mrs. WILDMAN. After 1947 I became the executive secretary of yet another organization.

Mr. TAVENNER. Where?

Mrs. WILDMAN. Where? Geographically, you mean?

Mr. TAVENNER. Yes. Where were you?

Mrs. WILDMAN. Oh, at that time I was in Indianapolis, Ind.

Mr. SCHERER. Just a minute, Mr. Tavenner. I ask that the witness tell us of what organization she became executive secretary after 1947.

Mrs. WILDMAN. Mr. Chairman, I decline to answer the question.

Mr. SCHERER. I ask that the witness be directed to answer the question.

Mr. MOULDER. The witness is directed to answer the question.

Mrs. WILDMAN. I decline to answer the question on the grounds previously stated.

Mr. SCHERER. The committee does not accept the answer for the reasons I have stated. Let's get the record clear.

Mr. TAVENNER. Where was your office located in the city to which you just referred?

(The witness confers with her counsel.)

Mrs. WILDMAN. Mr. Tavenner, first, I don't remember the address. Second, if I did remember it, I wouldn't give it.

Mr. TAVENNER. You said that your office was in Indianapolis, Ind. Was it at 635 North Pennsylvania, room 304?

Mrs. WILDMAN. I decline to answer that question.

Mr. TAVENNER. Was the organization, of which you were then the secretary, the Progressive Party of Indiana?

Mrs. WILDMAN. I decline to answer that question.

Mr. TAVENNER. How did you secure your position as secretary of the organization that you referred to?

Mrs. WILDMAN. I decline to answer that question.

Mr. TAVENNER. Your employment began in 1947 in that capacity. How long did it last?

(The witness confers with her counsel.)

Mrs. WILDMAN. I am restricting my answer to what I have already admitted, that I was the executive secretary of an organization, and I continued to work in that capacity until January of 1949.

Mr. TAVENNER. How were you employed after 1949?

Mrs. WILDMAN. As a legal secretary.

Mr. TAVENNER. Where?

Mrs. WILDMAN. In a law office in Indianapolis.

Mr. TAVENNER. Did you also retain your position or office with the organization that you had been with between 1947 and 1949?

Mrs. WILDMAN. I decline to answer that question.

(The witness confers with her counsel.)

Mr. TAVENNER. You have told us you were employed by that organization from 1947 to 1949. Do you mean you are telling us that you will refuse to answer whether your employment continued after that date? I can't understand that answer.

Mr. SCHERER. I ask that the witness be directed to answer the question.

Mrs. WILDMAN. I am a little bit confused about the question. Would you hold up just a minute, please?

(The witness confers with her counsel.)

Mrs. WILDMAN. Yes. Two things, Mr. Tavenner. What was that question again?

Mr. TAVENNER. Will you read her the question?

(The record was read by the reporter as follows:)

You have told us you were employed by that organization from 1947 to 1949. Do you mean you are telling us that you will refuse to answer whether your employment continued after that date? I can't understand that answer.

(The witness confers with her counsel.)

Mrs. WILDMAN. To the best of my recollection, I was not employed by any organization during the time I was employed as a secretary in a law office in Indianapolis.

Mr. TAVENNER. During that period of time, did you retain your position, whether employed or not, or paid a salary or not?

(The witness confers with her counsel.)

Mrs. WILDMAN. What position are you referring to, Mr. Tavenner?

Mr. TAVENNER. The position which you have described as secretary of an organization which you would not name.

Mrs. WILDMAN. Oh. Then my answer would be as follows: I don't recall, but if I did, I would decline to answer.

Mr. TAVENNER. Did you serve in any capacity on the staff of the organization, whether you were paid for the services or not? And by the organization, I am referring to the one of which you said you were the secretary.

Mrs. WILDMAN. I would give exactly the same answer to that as to the previous question.

Mr. TAVENNER. How long did you remain employed after 1949 as legal secretary in a law office?

(The witness confers with her counsel.)

Mrs. WILDMAN. Until sometime in 1950.

Mr. TAVENNER. What was your next employment?

Mrs. WILDMAN. My next employment was as secretary in a law office in Philadelphia.

Mr. TAVENNER. Are you still employed there?

Mrs. WILDMAN. In Philadelphia? No.

Mr. TAVENNER. How long did you remain employed in Philadelphia?

Mrs. WILDMAN. Until sometime in 1951.

Mr. TAVENNER. Would you give us your next employment and each successive employment to the present time, please?

(Representative Donald L. Jackson returned to the hearing room at this point.)

Mrs. WILDMAN. After my employment in the law office in Philadelphia, I was employed as a secretary in a labor organization, which employment continued until August of 1952.

Thereafter I was employed briefly—I think it was in 1954, but I wouldn't swear to it—in a law office in Butte, Mont., after which I was employed briefly as a secretary for a labor organization.

Mr. TAVENNER. How long were you employed in the law office in Butte, Mont.?

Mrs. WILDMAN. I honestly don't remember. It was an insignificant job, and it was a month or two or perhaps three, but I don't remember.

Mr. TAVENNER. How were you employed between 1952 and 1954, if at all?

Mrs. WILDMAN. Oh, well, you know that included that period in Butte in a law office for a brief period of time, and a brief period of employment as a secretary for a labor organization.

What was the period that you were talking about? Until when?

Mr. TAVENNER. From 1952 to 1954.

(The witness confers with her counsel.)

Mr. MARGOLIS. That was not the question you asked, Mr. Tavenner. It is very confusing.

Mr. TAVENNER. She answered it. She said from 1952 on up until she took a position as secretary for a labor organization: it included the period of Butte, Mont.

Mr. MARGOLIS. She asked you what period your last question referred to.

Mrs. WILDMAN. 1952 to 1954; didn't it? Oh. I thought to 1954.

Mr. MARGOLIS. I don't think the record will show that.

Mr. TAVENNER. Regardless of what it was, will you give us your employment between 1952 and the present date?

Mrs. WILDMAN. Well, you know, I have covered part of it; yes.

In 1954 I went to work in a medical office in Los Angeles, and I am currently employed there.

Mr. TAVENNER. Mrs. Wildman, during the course of extensive investigation in the city of Washington and other places, the committee, in ascertaining for the first time the existence of 2 organized groups of the Communist Party within the staff of the National Labor Relations Board and also an organized group of the Communist Party within the staff of a Senate subcommittee, discovered the existence of 8 other organized groups of the Communist Party previously unknown to this committee in various Government agencies. Professor Herbert Fuchs testified that during 1936 and 1937 when he was employed by the Wheeler subcommittee of the Senate, he was directed to form a group of the Communist Party there, and during that period of time he, as the leader of that group, met with the leaders of others groups of the Communist Party organized within Government agencies on a section level.

He told the committee the names of a number of those persons who were leaders of these various groups.

I want to ask you to give the committee all of the information you have about this section of the Communist Party of which Professor Fuchs was a member.

(The witness confers with her counsel.)

(Representative Donald L. Jackson left the hearing room at this point.)

Mr. TAVENNER. Mr. Fuchs identified several persons as heads of Communist Party groups and who met on a section level. One was Eleanor Nelson.

Were you acquainted with Eleanor Nelson?

Mrs. WILDMAN. How many questions do I have before me, Mr. Tavenner?

Mr. TAVENNER. One question. Are you acquainted with Eleanor Nelson?

Mrs. WILDMAN. I decline to answer the question.

Mr. MOULDER. For the reasons previously stated?

Mrs. WILDMAN. Yes, sir.

Mr. TAVENNER. Do you know the department or agency of the Government in which Eleanor Nelson worked?

Mrs. WILDMAN. I decline to answer that question.

Mr. TAVENNER. Do you know in what department or agency of the Government Arthur Stein was employed?

Mrs. WILDMAN. I decline to answer that question.

Mr. TAVENNER. Were you acquainted with Arthur Stein?

Mrs. WILDMAN. I also decline to answer that question.

Mr. MOULDER. In all instances where you say you decline to answer, are you claiming the privilege and reasserting the—

Mrs. WILDMAN. I am if it is necessary, Mr. Chairman. I understand that I am required to, you know, state my reasons for declining to answer only if I am directed to answer. Therefore, I have just been declining. If this is incorrect, why, then, I will always say that I am declining to answer on the grounds previously stated.

Mr. MOULDER. You are incorrect in your first statement.

Mrs. WILDMAN. Well, then, retroactively I say all my declinations are on the grounds previously stated.

Mr. TAVENNER. Do you know in what branch of the Government in the District of Columbia Philip Reno was then employed?

Mrs. WILDMAN. I decline to answer that question on the grounds previously stated.

Mr. TAVENNER. Were you acquainted with Philip Reno?

Mrs. WILDMAN. I decline to answer that question on the grounds previously stated.

Mr. SCHERER. Did you know Reno as a member of the Communist Party, Witness?

Mrs. WILDMAN. I decline to answer that question on the grounds previously stated.

Mr. TAVENNER. Do you know what branch of the Government Sidney Katz was employed?

Mrs. WILDMAN. I decline to answer that question on the grounds previously stated.

Mr. TAVENNER. Did you know Sidney Katz?

Mrs. WILDMAN. I decline to answer that question on the grounds previously stated.

Mr. TAVENNER. Do you know how Julia Katz was employed?

Mrs. WILDMAN. I decline to answer that question on the grounds previously stated.

Mr. TAVENNER. Were you acquainted with her?

Mrs. WILDMAN. I decline to answer that question on the grounds previously stated.

Mr. SCHERER. The fact is, Witness, that you knew all of these people mentioned, and you knew them to be members of the Communist Party. Isn't that right?

Mrs. WILDMAN. Mr. Scherer, don't try to flummox me. I decline to answer that question on the grounds previously stated.

Mr. TAVENNER. Were you acquainted with Bernard Stern?

Mrs. WILDMAN. I decline to answer that question on the grounds previously stated.

Mr. TAVENNER. Do you know in what branch of the Government he was employed?

Mrs. WILDMAN. I decline to answer that question on the grounds previously stated.

Mr. TAVENNER. Are you acquainted with the wife of Bernard Stern?

(The witness confers with her counsel.)

Mrs. WILDMAN. I decline to answer that question on the grounds previously stated.

Mr. TAVENNER. Do you know in what branch of the Government she was employed?

Mrs. WILDMAN. I decline to answer that question on the grounds previously stated.

Mr. TAVENNER. Is it not a fact that her name is Janet Buck Gaines Stern, your sister?

Mrs. WILDMAN. I decline to answer that question on the grounds previously stated.

Mr. SCHERER. She was a Communist, wasn't she?

Mrs. WILDMAN. I decline to answer that question on the grounds previously stated.

Mr. SCHERER. All of these people, Mr. Tavenner, whom you are naming, have been identified as members of the Communist Party or have admitted membership in the Communist Party?

Mr. TAVENNER. Professor Fuchs testified before the committee, under oath, that all of the persons I have named were leaders in various groups of the Communist Party and met on a section level with him, including Jessica Rhine, the present witness, now Mrs. Jessica Wildman.

Mr. SCHERER. And they were all employees of the Federal Government?

Mr. TAVENNER. Yes.

Mr. SCHERER. And they were leaders of various cells in various agencies of the Federal Government?

Mr. TAVENNER. That is correct.

Mr. SCHERER. And these leaders met, as you say, on a sectional basis?

Mr. TAVENNER. That is correct. That was his testimony. I want to ask this witness now whether or not she met on a section level with Professor Fuchs and any of the persons whose names I have inquired about.

Mrs. WILDMAN. Mr. Tavenner, first, the question, I believe, is based on your assumption that this Fuchs person was truthfully testifying, which is an assumption I don't make. But I do decline to answer the question on the grounds previously stated.

Mr. SCHERER. Is anything that Mr. Fuchs said about you untrue—that is, you being a member of the Communist Party and meeting in this sectional group?

(The witness confers with her counsel.)

Mrs. WILDMAN. Mr. Scherer, I am not going to get into a conflict with this committee about the testimony of any informers. Informers are universally accepted as unreliable characters. You may make your assumptions about his testimony, and I am sure I am entitled to make mine.

Mr. SCHERER. You voluntarily said to Mr. Tavenner that his question was based on the assumption that Fuchs' testimony was true. I am asking you whether any part of Fuchs' testimony, as it related to

you and your membership and activities in the Communist Party, was untrue?

In other words, did he lie to this committee in any respect? You have the opportunity to tell us right here and now as to whether Fuchs, this man whom you call an informer, was telling the truth or whether he was lying to this committee.

(The witness confers with her counsel.)

Mr. SCHERER. If you say that he was lying to the committee, then I will ask that the Fuchs testimony be referred to the Department of Justice.

Was Fuchs lying?

Mrs. WILDMAN. Are you through, Mr. Scherer?

Mr. SCHERER. Yes, I am.

Mrs. WILDMAN. I decline to answer that question on the grounds previously stated.

Mr. SCHERER. I thought you would. You declined properly. I think you properly invoked the fifth amendment because if you had said that Fuchs was lying, in my opinion you would have been committing perjury.

Mrs. WILDMAN. I think if I had admitted any association whatever with Fuchs I would be testifying against myself. And I don't think your opinion means anything, Mr. Scherer.

Mr. TAVENNER. At the time Professor Fuchs identified you as having attended these Communist Party meetings on a section level—that is, as a representative of a group of the Communist Party—you, according to your statement, were employed by the Railroad Retirement Board. While you were employed by the Railroad Retirement Board, was there a person known to you by the name of Abraham George Silverman connected with that organization?

(The witness confers with her counsel.)

Mrs. WILDMAN. I knew of him at the Railroad Retirement Board.

Mr. TAVENNER. Did Abraham George Silverman play any part in obtaining your employment with the Board or in retaining you on the Board after you were employed there?

(The witness confers with her counsel.)

Mrs. WILDMAN. Not as far as I know, Mr. Tavenner.

Mr. TAVENNER. Was he known to you as a member of the Communist Party?

Mrs. WILDMAN. You know I decline to answer that question on the grounds previously stated.

Mr. TAVENNER. Will you tell the committee, please, whether or not there was an organized group of the Communist Party, composed principally of employees, in the Railroad Retirement Board?

Mrs. WILDMAN. I decline to answer that question on the grounds previously stated.

Mr. TAVENNER. According to your testimony, intermittently during your employment by the Railroad Retirement Board, you were assigned to duties with the WPA up until 1941. During that period of time was there an organized group of the Communist Party in Washington among the staff or employees of the WPA?

Mrs. WILDMAN. That is a funny question, because first it is inaccurate. I didn't say intermittently. I said for one brief period I happened to be technically on WPA payroll but I was working for the

Railroad Retirement Board. There wasn't anything intermittent about it. It was just that one period.

And beyond that, I decline to answer that question on the grounds previously stated.

Mr. TAVENNER. So there was only one intermittent period. Regardless of number, was there an organized group of the Communist Party when you were so employed?

Mrs. WILDMAN. I don't agree on the "one intermittent period." I decline to answer the question on the grounds previously stated.

Mr. TAVENNER. Were you acquainted with Henry Collins?

Mrs. WILDMAN. I decline to answer that question on the grounds previously stated.

Mr. TAVENNER. Were you acquainted with John J. Abt, A-b-t?

Mrs. WILDMAN. I decline to answer that question on the grounds previously stated.

Mr. TAVENNER. Were you acquainted with Harry Dexter White?

(The witness confers with her counsel.)

Mrs. WILDMAN. I decline to answer that question on the grounds previously stated.

Mr. TAVENNER. Were you acquainted with Harold Glasser?

Mrs. WILDMAN. I decline to answer that question on the grounds previously stated.

Mr. TAVENNER. Were you acquainted with Charles Kramer?

Mrs. WILDMAN. I decline to answer that question on the grounds previously stated.

Mr. SCHERER. Those persons that you have recently mentioned were the leading Communists in Government a few years ago.

Mr. TAVENNER. Were you acquainted with Victor Perlo?

Mrs. WILDMAN. I decline to answer that question on the grounds previously stated.

Mr. TAVENNER. All of these persons that I have just mentioned, Mr. Congressman, were identified as members of the Perlo group of the Communist Party, including also Henry Rhine. I did not ask the witness about Henry Rhine for a very obvious reason. Henry Rhine has been before this committee in our recent hearings in Washington and has refused to answer material questions, relying on the fifth amendment.

Mr. SCHERER. And that group, or part of them at least, participated in considerable espionage activities within the Government?

Mr. TAVENNER. That was true, according to the testimony of Elizabeth T. Bentley. I should point out also that Professor Fuchs stated that during a part of the period—I am not sure that it was the entire period between 1936 and 1941—but for at least part of that period, he was required to report to his superior, who was Victor Perlo.

(The witness confers with her counsel.)

Mr. DOYLE. Excuse me, Mr. Tavenner, you mentioned Professor Fuchs several times. The witness, I think, referred to him as an informer.

Mrs. WILDMAN. Yes, I did.

Mr. DOYLE. Who was Professor Fuchs, whom she described as an informer? I know he has testified before the committee and named these people as Communists. Who was he with reference to Government employment?

Mr. TAVENNER. Professor Fuchs became solicitor in the National Labor Relations Board, and later became the public member of the National War Labor Board in Denver.

(The witness confers with her counsel.)

Mr. TAVENNER. He withdrew from the Communist Party in 1946 and after that period of time became a professor of law at American University, Washington, D. C.

Mrs. WILDMAN. Isn't this all really a publicity discussion going on here? I don't see any search for information going on here now.

Mr. SCHERER. No, I think the committee is vitally interested in seeing that no more individuals like you obtain employment in the Government of the United States. That is what we are interested in. And we are going to pass legislation and do everything we can to see that that period in our history is never repeated.

(The witness confers with her counsel.)

Mr. MOULDER. I have one question to ask the witness. How do you know that Professor Fuchs is an informer?

Mrs. WILDMAN. I read about it in the newspapers.

Mr. DOYLE. Mr. Chairman, the reason I asked counsel to tell us who Professor Fuchs was was to have those in the hearing room know and have the record show clearly that he was just not any unusual person, or any incidental person, but that he was a person in high Government employ. And I assume he knew what he was talking about when he swore under oath that this witness was a member of the Communist Party.

(The witness confers with her counsel.)

Mr. MOULDER. Proceed, please, Mr. Tavenner.

Mr. TAVENNER. Mr. Chairman, the members of the staff made an investigation back in 1950 regarding the National Committee to Defeat the Mundt Bill, and the committee issued a report based on testimony resulting from that investigation. The Mundt bill was the one which originated in the Committee on Un-American Activities, and which is now before the Supreme Court. It is the Internal Security Act of 1950, requiring the Communist Party and front organizations to register, and which incorporated provisions of the Wood bill.

I have before me exhibits 17, 19, 23, and 38 of the hearing held on October 19, 1950. The hearing developed that the officers of the National Lawyers Guild, in Washington, were made available to the National Committee to Defeat the Mundt Bill, for the purpose of lobbying against and opposing that bill. And the National Lawyers Guild defrayed some very heavy items of expense in connection with that work.

Mr. SCHERER. The National Lawyers Guild, I forgot to say before, has been found to be the legal arm of the Communist Party of the United States.

Mr. MARGOLIS. Without a hearing, and with the same kind of due process you get right here. That is how it has been found. And it has asked for a hearing and never been given one.

Mr. MOULDER. Let's proceed, please.

Mr. TAVENNER. The National Committee to Defeat the Mundt Bill sent telegrams to various organizations and various Progressive Party officers throughout the country, as shown by these exhibits, for the purpose of opposing the legislation. Exhibit 17 of the hearing held on October 19, 1950, states that a copy of a telegram was addressed

to Jessica Rhine, Progressive Party of Indiana, 635 North Pennsylvania, Room 304, Indianapolis, Ind. And other similar telegrams were addressed to her under the same address.

I would like to ask the witness whether she recalls having received in 1950 the various telegrams from the National Committee To Defeat the Mundt Bill in Washington in her capacity as secretary of the Progressive Party of Indiana?

Mrs. WILDMAN. Mr. Tavenner, now you are trying to flummox me. I refuse to answer that question on the grounds previously stated.

Mr. SCHERER. What does the word "flummox" mean, Mr. Tavenner?

Mr. TAVENNER. I am not interested.

Mrs. WILDMAN. It is in the dictionary, Mr. Scherer; I promise. It means to engage in tomfoolery.

Mr. TAVENNER. In the context in which it was used, I am not interested.

Were you a member of the Communist Party on the 27th day of August, 1950?

Mr. WILDMAN. I decline to answer that question on the grounds previously stated.

Mr. TAVENNER. Were you a member of the Communist Party while employed by the Railroad Retirement Board?

Mrs. WILDMAN. I decline to answer that question on the grounds previously stated?

Mr. TAVENNER. Were you a member of the Communist Party at any time during the period between 1941 and 1949 while employed by various labor unions and while serving as a regional director of a labor union?

Mrs. WILDMAN. I decline to answer that question on the grounds previously stated.

Mr. TAVENNER. Are you a member of the Communist Party now?

Mrs. WILDMAN. I decline to answer that question on the grounds previously stated.

Mr. TAVENNER. I have no further questions.

Mr. MOULDER. Any questions, Mr. Doyle?

Mr. DOYLE. No questions.

Mr. MOULDER. Any questions, Mr. Scherer?

Mr. SCHERER. No questions.

Mrs. WILDMAN. May I take time and a half for Saturday?

Mr. MOULDER. Pardon me?

Mrs. WILDMAN. Do they pay time and a half for Saturday on witness fees?

Mr. MOULDER. The witness is excused.

The committee will stand in recess until 1:30.

(Whereupon, at 11:50 a. m., a recess was taken until 1:30 p. m., this same day, there being present Representatives Moulder, Doyle, and Scherer.)

AFTERNOON SESSION, APRIL 21, 1956

(The committee was reconvened at 1:50 p. m., upon the expiration of the recess, there being present Representatives Moulder and Scherer.)

Mr. MOULDER. The committee will please be in order.

Let the record show, that the Honorable Francis Walter, chairman of the full Committee on Un-American Activities, has appointed a subcommittee consisting of three: Myself as chairman of the subcommittee, Mr. Doyle, of California, and Congressman Scherer, of Ohio, to conduct the hearings in Los Angeles, Calif., on this date and on any future date until the hearings have been adjourned.

Mr. TAVENNER. A majority of which are present.

Mr. MOULDER. And the record should also show that there are present myself, as chairman of the subcommittee, and Congressman Scherer, of Ohio, constituting a quorum or a majority of the subcommittee duly appointed and established by the chairman of the full committee.

Are you ready to proceed, Mr. Tavenner?

Mr. TAVENNER. Yes, sir. Will Mr. Louis Sherman come forward, please?

Mr. MOULDER. Please raise your right hand and be sworn.

Do you solemnly swear that the testimony which you are about to give will be the truth, the whole truth, and nothing but the truth, so help you, God?

Mr. SHERMAN. I do.

TESTIMONY OF LOUIS R. SHERMAN, ACCOMPANIED BY COUNSEL, BEN MARGOLIS

Mr. TAVENNER. Will you state your name, please, sir?

Mr. SHERMAN. Louis Sherman.

Mr. TAVENNER. Do you have a middle initial?

Mr. SHERMAN. R.

Mr. TAVENNER. Will counsel accompanying the witness please identify himself for the record.

Mr. MARGOLIS. Ben Margolis of Los Angeles.

Mr. TAVENNER. When and where were you born, Mr. Sherman?

Mr. SHERMAN. Chicago, Ill., January 15, 1910.

Mr. TAVENNER. Where do you now reside?

Mr. SHERMAN. Los Angeles.

Mr. TAVENNER. How long have you resided in Los Angeles?

Mr. SHERMAN. For about 37 years.

Mr. TAVENNER. Will you tell the committee, please, what your formal educational training has been.

Mr. SHERMAN. I have completed high school at Polytechnic Evening High School. I have had about 2 years of school at the extension division of the formerly Los Angeles City College and University of California.

Mr. TAVENNER. How long have you lived in California?

Mr. SHERMAN. 37 years.

Mr. TAVENNER. Will you tell the committee, please, what your employment has consisted of since 1935?

Mr. SHERMAN. For the past 18 to 20 years I have been employed within the warehouse industry in Los Angeles, for various companies. And presently I am an officer of local 26, the secretary and treasurer of the International Longshoremen and Warehousemen's Union, better known as ILWU.

Mr. TAVENNER. How long have you been secretary-treasurer of local 26?

Mr. SHERMAN. For about 7 years.

Mr. TAVENNER. Prior to that period how were you employed?

Mr. SHERMAN. I was president of local 26, ILWU.

Mr. TAVENNER. Over what period of time?

Mr. SHERMAN. For about 3 to 3½ years.

Mr. TAVENNER. And that takes us back 10 years.

How were you employed prior to that time?

Mr. SHERMAN. I was in the United States Army for about 2 years and 9 months.

Mr. TAVENNER. That was during what period of time?

Mr. SHERMAN. From 1943 to late 1945.

Mr. TAVENNER. And prior to 1943 what was your employment?

Mr. SHERMAN. I was employed by the international union, the International Longshoremen and Warehousemen's Union, assigned to local 26 as a representative, and served in that capacity as an organizer, a business agent, among other duties.

Mr. TAVENNER. Over what period of time, please, sir?

Mr. SHERMAN. From early 1941 to the middle of 1943.

Mr. TAVENNER. Will you tell us, please, what your employment was prior to 1941?

Mr. SHERMAN. I worked as a drug worker for the Brunswick Drug Co.

Mr. TAVENNER. Where?

Mr. SHERMAN. In Los Angeles, from 1939 to 1941.

Mr. TAVENNER. And prior to 1939?

Mr. SHERMAN. I worked for a number of various companies within the industry like Zellerbach Paper Co., Crane Co., and perhaps a few others I don't remember.

Mr. TAVENNER. Does that take care of your employment back approximately through the year 1935?

Mr. SHERMAN. I believe so.

Mr. TAVENNER. Have you at any time legally changed your name?

Mr. SHERMAN. This is my name.

Mr. TAVENNER. Have you used any other name?

Mr. SHERMAN. I have been known as Lou Sherman for many, many years.

Mr. TAVENNER. Is that your name? Lou Sherman?

Mr. SHERMAN. That is my name.

Mr. SCHIERER. Are you going to follow through on that?

Mr. TAVENNER. You say Lou Sherman is your name.

Have you had any other name?

Mr. SHERMAN. I would decline to answer that question——

Mr. SCHIERER. I ask you to direct the witness to answer the question. The witness said he declined to answer.

Mr. MOULDER. The witness is directed to answer the question.

Mr. SHERMAN. I would decline to answer that question, and invoke the constitutional privileges.

If you want me to specify, I shall do so.

Mr. MOULDER. That is up to you, whether you desire to specify or not.

Mr. SHERMAN. I decline to answer that question. I claim the privilege accorded me by the United States Constitution, its Bill of Rights, specifically the first amendment of the United States Constitution which in this hearing room has not been adhered to, and the fifth

amendment of the United States Constitution which has been distorted by certain members of this committee, and which has been interpreted to imply guilt by any so-called uncooperative witness, but which, to me, affords the same protection to the innocent as well as to the guilty.

I also invoke the ninth and tenth amendments of the United States Constitution, which delegates only certain powers to you as Congressmen, but retain the full power to the people of the United States.

Mr. SCHERER. I know you are directing your remarks to me, but what do you expect me to infer of you or any other citizen who refuses to tell us what other name he used and why he used another name?

Mr. SHERMAN. I don't particularly care what you infer.

Mr. SCHERER. I understand that. But I and any other citizen, the press, have a right to infer that there is something sinister if you refuse to disclose what other name you used and why you used another name. Is that right? Under the first amendment I have that right.

Mr. SHERMAN. If you accorded the witness the same privileges under the first amendment perhaps there would be so many more witnesses that might give greater respect to the functioning of this committee.

As far as I am concerned, I will stand on the privileges I have claimed, and stand on the answer I have given you.

Mr. TAVENNER. Under what name were you born?

Mr. SHERMAN. I refuse to answer the question for the same reasons outlined earlier.

Mr. SCHERER. I ask that you direct the witness to answer the question because I do not accept the answer. I can't conceivably see how to answer the question under what name he was born could possibly incriminate this individual.

Obviously it is not invoking the fifth amendment in good faith.

Mr. MOULDER. The witness is directed to answer the question as requested by Mr. Scherer.

Mr. SHERMAN. I will again repeat that I refuse to answer that question on the grounds earlier stated.

Mr. TAVENNER. Under what name were you married?

Mr. SHERMAN. I will again refuse to answer the question on the same grounds originally stated.

Mr. SCHERER. I move you direct the witness to answer the question.

Mr. MOULDER. The witness is directed to answer.

Mr. SCHERER. I think we should again say that we do not accept the answer, and we feel that his refusal to answer those questions in all probability will subject him to a prosecution by this committee for contempt.

Mr. MOULDER. Therefore, the witness is directed to answer in order to protect his interest as suggested by Mr. Scherer.

Mr. SHERMAN. I will again repeat that I refuse to answer this question on the grounds earlier stated.

Mr. TAVENNER. Aren't you Louis R. Schneiderman?

Mr. SHERMAN. I will again refuse to answer on the grounds earlier stated.

Mr. TAVENNER. Did you institute in court a proceeding for divorce under the name of Louis R. Schneiderman?

Mr. SHERMAN. I again refuse to answer that question on the same grounds.

Mr. SCHERER. I ask that you direct the witness to answer the question.

Mr. MOULDER. The witness is directed to answer the question.

In order to give you an opportunity to answer the question, you are again directed to answer.

Mr. SHERMAN. I will again refuse to answer the same question on the grounds earlier stated.

Mr. TAVENNER. Aren't you a brother of William Schneiderman?

Mr. SHERMAN. I again refuse to answer the question for the grounds earlier stated.

Mr. TAVENNER. What was your father's name?

Mr. SHERMAN. I again refuse to answer the question for the grounds earlier stated.

Mr. SCHERER. I ask that you direct the witness to answer the question.

Mr. MOULDER. The witness is directed to answer the question.

Mr. SHERMAN. I refuse to answer that question on the grounds earlier stated.

Mr. SCHERER. Again let it be understood that we do not accept that answer, and feel that it is an improper invocation of the fifth amendment.

Mr. MOULDER. It is so understood.

Mr. TAVENNER. Mr. Louis Rosser testified before the Committee on Un-American Activities in executive session on January 15, 1952, at which time he was asked the question :

Do you know Lou Sherman?

To which he replied :

Yes. Lou Sherman is a brother of William Schneiderman, and I knew him as a trade-union director of the Young Communist League, and then later on as an organizer in the warehousemen's union.

Was Mr. Rosser's statement true or false insofar as it related to your relationship with William Schneiderman?

(The witness confers with his counsel.)

Mr. SHERMAN. Your question relates to a matter that I believe I have just answered earlier. If that is so, I again refuse to answer on the same grounds stated earlier.

Mr. TAVENNER. Mr. Max Silver testified in executive session before this committee on the 24th day of January 1952, in which he stated :

Lou Sherman, brother to William Schneiderman, was organizer for the longshoremen in Los Angeles.

Is his statement true or false, insofar as it relates to your connection with William Schneiderman?

Mr. SHERMAN. It appears to me that your questions are going to relate to the testimony of informers and stool pigeons.

Mr. TAVENNER. You have the opportunity, sir, to tell this committee whether or not you are Louis R. Schneiderman, and I am trying my best to find out who you are. So again I will ask you to answer the question.

Mr. SHERMAN. I don't believe that I may ever satisfactorily answer, to the satisfaction of your committee, the answer to your question.

Mr. TAVENNER. There would be no difficulty in answering that question.

Mr. SHERMAN. My answer is: My identity, my work, my integrity, the things that I have done for 20 or 25 years or more are well known to the members of the organization that I belong to.

Mr. SCHERER. Do they know you are a member of the Communist Party?

Mr. SHERMAN. And represent at the present time.

Mr. SCHERER. Do the members of the organization you represent know you are a member of the Communist Party?

(The witness confers with his counsel.)

Mr. SHERMAN. If this committee proposes to subpoena the 2,200 members of this union, that is their prerogative. If it does it only proves what they have been saying to the members of our union about the purposes of this committee.

Mr. SCHERER. We want the people of your union to know everything about you.

(The witness confers with his counsel.)

Mr. SCHERER. I ask that you direct the witness to answer my question, and also state his real name.

Mr. MOULDER. The witness is directed to answer the question.

Mr. SHERMAN. I refuse to answer that question. I will also state that the comments of Congressman Scherer assume something which are only his private opinions.

Mr. SCHERER. Is my assumption that you are a member of the Communist Party incorrect?

Mr. SHERMAN. My purpose in being here is at——

Mr. SCHERER. Answer the question.

Mr. SHERMAN. Is at the discretion and request of the committee.

Mr. SCHERER. Is my assumption then, or my statement, that you are a member of the Communist Party or were a member of the Communist Party untrue?

Mr. SHERMAN. My answer is that my private opinions, my associations, my background, my history, the work that I have been doing as a representative of the union for many years, is my private right guaranteed to me by the United States Constitution and, therefore, I don't have to account to Mr. Scherer or any other Congressman for those opinions, associations, or background, and, for that reason, I will decline and refuse to answer this question on the grounds already earlier stated.

Mr. MOULDER. It has often been alleged by certain people that persons who are charged with having been members of the Communist Party on the witness stand before this committee have not had the opportunity to deny and defend themselves in a public forum or public hearing before this committee. That opportunity is now being given to you.

When you refer to someone as an informer or a stool pigeon it does not occur to me as availing yourself of the full opportunity of denying or affirming the allegations that were read to you by Mr. Tavenner. I just wanted to make that comment and call it to your attention. It is not in the form of a question, but a comment by the Chair.

(The witness confers with his counsel.)

Mr. SHERMAN. I would like to comment on that, Mr. Moulder.

This may be a forum in the opinion of some Members of the Congress who serve on the committee, but I regard the objectives of this

committee as being un-American in that they repress the rights of people to stand on their constitutional rights.

I have many times been called a Communist in my dealings with certain employers as a representative of the union. For many years the union that I represent has been maligned, abused, and character-assassinated by unfriendly employers and unfriendly Government officials. I have never stooped to the level of answering these accusations because I consider them the result of my doing a job for the members of my union.

Mr. SCHERER. These people who have called you a Communist and charged you with being a Communist: Were they doing so correctly?

Mr. SHERMAN. I don't care what motivated them to call me a Communist. I have been called that and other names as a result of the position that I have taken in behalf of the union.

Mr. SCHERER. That is not my question.

I ask you to direct the witness to answer the question.

Mr. MOULDER. The witness is directed to answer the question.

Mr. SHERMAN. I refuse to answer that question on the grounds earlier stated.

Mr. TAVENNER. Mr. Chairman, in light of the witness' refusal to fully identify himself, I would like to ask him to step down from the witness chair for just a moment, and I will call another witness. We will recall him later.

Mr. MOULDER. You are temporarily excused, but you will be recalled. (Witness temporarily excused.)

Mr. TAVENNER. Mr. William Kimple.

Mr. MOULDER. Will you hold up your right hand and be sworn, please.

Do you solemnly swear that the testimony which you are about to give before this committee will be the truth, the whole truth and nothing but the truth, so help you God?

Mr. KIMPLE. I do.

TESTIMONY OF WILLIAM WARD KIMPLE

Mr. TAVENNER. What is your name, please, sir?

Mr. KIMPLE. William Ward Kimple, K-i-m-p-l-e.

Mr. TAVENNER. Mr. Kimple, have you ever been employed in an official capacity by the city of Los Angeles?

Mr. KIMPLE. I have.

Mr. TAVENNER. What was the nature of your employment?

Mr. KIMPLE. Los Angeles police officer.

Mr. TAVENNER. Over what period of time were you so employed?

Mr. KIMPLE. 1924 to 1944.

Mr. TAVENNER. During that period of time did you perform any secret assignment within the Communist Party?

Mr. KIMPLE. I was assigned by the Los Angeles Police Department to investigate the activities of the Communist Party in Los Angeles; yes, sir.

Mr. TAVENNER. Did you become a member of the Communist Party in carrying out that assignment?

Mr. KIMPLE. I did.

Mr. TAVENNER. What was the period of your membership?

Mr. KIMPLE. I joined the Communist Party in 1928, and maintained continuous membership until the fall of 1939.

Mr. TAVENNER. Did you hold any position in the Communist Party?

Mr. KIMPLE. I did.

Mr. TAVENNER. What was that position?

Mr. KIMPLE. Well, several positions. I was a unit organizer and a unit literature agent, and a unit educational director. I was the assistant to the Los Angeles County membership director, and I was the alternate on the Los Angeles disciplinary committee.

Those are a few of the main jobs I held.

Mr. TAVENNER. You were assistant membership director?

Mr. KIMPLE. For the Los Angeles County membership department, yes, sir.

Mr. TAVENNER. Over what period of time did you hold that position?

Mr. KIMPLE. 1936, 1937, 1938 and 1939, up until the time I was dropped from the Communist Party.

Mr. TAVENNER. As assistant membership director, did you have access to the membership records of the Communist Party of Los Angeles?

Mr. KIMPLE. The Communist Party membership records were in my personal control at all times; yes, sir.

Mr. TAVENNER. Were you in the hearing room at the time the previous witness was excused temporarily from the witness stand?

Mr. KIMPLE. I was.

Mr. TAVENNER. Do you know his name?

Mr. KIMPLE. I know the name that I knew him by, yes, sir.

Mr. TAVENNER. What is that name?

Mr. KIMPLE. Louis Schneiderman, brother of William Schneiderman. I knew him very well here in Los Angeles.

Mr. TAVENNER. Do you identify the individual who preceded you on the stand as being the Louis Schneiderman that you knew?

Mr. KIMPLE. He is the same one; yes, sir.

Mr. TAVENNER. On what do you base the statement that he is the same person you knew as Louis Schneiderman?

Mr. KIMPLE. I was very well acquainted with William Schneiderman and Louis Schneiderman at the time that I was in the Communist Party here. I worked closely with him. I used to cart him around in my automobile considerably, and I knew him very well.

Mr. TAVENNER. Did you attend any closed Communist Party meetings with him?

Mr. KIMPLE. I have.

Mr. TAVENNER. How frequently?

Mr. KIMPLE. A minimum of 4 or 5 times a year during the years of 1935, 1936.

Mr. TAVENNER. I hand you what purports to be a 1938 registration blank of the industrial section, and ask you to state what it is.

(Document handed to the witness.)

Mr. KIMPLE. That is an authentic 1938 Communist Party registration blank. From this registration blank the Communist Party membership books were made, and the Communist Party membership records maintained.

Mr. TAVENNER. What connection, if any, have you had with that particular blank which is before you?

Mr. KIMPLE. This particular blank was filled out in the Communist Party unit and sent back to the membership department, and from this blank the membership book for the year 1938 was filled out, and the 1938 membership record for the Communist Party membership records was made out.

Mr. TAVENNER. Does that blank show the name of the person who registered for the year 1938?

Mr. KIMPLE. It does.

Mr. TAVENNER. What is the name?

Mr. KIMPLE. Lou Schneiderman.

Mr. TAVENNER. I desire to offer a photostatic copy of the document in evidence, and ask that it be marked "Kimple Exhibit No. 1."

Mr. MOULDER. The document will be so marked and admitted in evidence. (See p. 4029.)

Mr. MOULDER. May I inquire, does it have a signature on it?

Mr. TAVENNER. No. It is a printed name.

I hand you another card, which is marked "Kimple Exhibit No. 2" for identification only, and ask you to tell us what it is.

Mr. KIMPLE. This is the control card for the first half of 1937 in the Communist Party membership records and in the Communist Party membership book. The last page in the membership book is a control card, and at the end of June of the year the membership department checks the membership books, and if the member is paid up in dues this control card is filled out, detached from the book and sent back to the membership department. That way the membership department knows that it has an active, dues-paying member.

Mr. TAVENNER. Is that an original record?

Mr. KIMPLE. Yes, sir.

Mr. TAVENNER. Whose control card is it?

Mr. KIMPLE. That is also for Lonis Schneiderman.

Mr. TAVENNER. Will you read what appears on the card?

Mr. KIMPLE. Printed is:

Control card, first half of 1937. Book No. 75373.

And I might add here that the book number of the Communist Party membership book and the control card were the same.

Name: Louis Schneiderman. State—
and then there is a date—

6-22-37. County: L. A. City: L. A. District 13. Section IND—
which meant industrial.

Unit: Teamsters. Occupation: driver. Union: Teamsters. Mass organization: blank. Male: yes. Female: blank. Age: 27. Negro: blank. White—
with an X.

Native: with an X. Foreign-born: blank. Dues paid up to and including month of June.

KIMBLE EXHIBIT No. 1

1938

REGISTRATION BLANK

(Please write in Ink)

SECTION INDUSTRIAL UNIT TRANSFER BRANCH —
 REAL NAME LOU SCHNEIDERMAN PARTY NAME SAME
 CORRECT ADDRESS 2715 FOLSOM ST. L.A. YEAR JOINED 1933
 BOOK NUMBER 75373 ¹⁹³⁸ 60660 NATIONALITY U.S.
 COUNTRY OF BIRTH U.S. AGE 27 MALE ☒ FEMALE ☐ NEGRO ☐ WHITE ☒
 PRESENT OCCUPATION FIELD ORGANIZER HOUSEWIFE ☐ WPA (PROJECT No.) ILWU - (610)
 EMPLOYED ☒ UNEMPLOYED ☐ PLACE OF EMPLOYMENT ILWU
 NO. WORKERS IN SHOP 2000 WHAT UNION ILWU
 FUNCTIONARY IN UNION FIELD ORGANIZER WHAT UNEMP. MASS ORG. —
 OTHER MASS ORGS. PRO - ARTS WHAT FUNCTION PRES.
 VETERAN — WHAT VETERANS' ORGANIZATION —
 WHAT FUNCTION IN PARTY COUNTRY COMM. FULL TIME ☐ SECTION ☐ BR. UNIT ☒
 PARTY SCHOOLING: COUNTY — STATE — NATIONAL — WORKERS' SCHOOL yes
 HOW MANY CHILDREN? 1 WHAT ARE THEIR AGES? —

Mr. TAVENNER. I desire to offer a photostatic copy of the document in evidence, and ask that it be marked "Kimple Exhibit No. 2."

Mr. MOULDER. The document will be so marked and admitted in evidence.

KIMPLE EXHIBIT No. 2

✓

Control Card First Half of 1937

Book **Nº 75373**

Name *Louis Schneiderman*

State *Calif.* County *Los Angeles* City *Los Angeles*

District *10* Section *10* Unit *Teamsters*

Occupation *Driver* Union *Teamsters*

Mass organization

Male *yes* Female..... Age *27*

Negro..... White *X* Native *X*

Foreign-born

Dues paid up to and including month of *June*

Mr. TAVENNER. I notice from Exhibit No. 2 that the form of the card is such that the individual must indicate whether he is a Negro or white person.

The Communist Party must know whether the individual is a Negro or a white person. That is correct, is it not?

Mr. KIMPLE. That is correct, yes, sir.

Mr. TAVENNER. Were all of the records of the Communist Party at that time required to be kept in that form?

Mr. KIMPLE. I am sorry. I don't quite understand your question.

Mr. TAVENNER. Were all of the control cards of the Communist Party members during the period that you were a member of the Communist Party required to show whether a member was a member of the Negro race or the white race?

Mr. KIMPLE. They were, yes, sir.

Mr. TAVENNER. Why was that?

Mr. KIMPLE. Well, the Communist Party kept an annual list of all Communist Party members, and it was broken down as to nationality, race, color, et cetera.

Mr. TAVENNER. So much has been said by representatives of the Communist Party as to there being no distinction or no discrimination between race or color, and I was wondering the reasons for asking what one's race is on the card.

I hand you another document and ask you to examine it. It is marked "Kimple Exhibit No. 3" for identification only.

Will you tell us what it is, please.

(The document was handed to the witness.)

Mr. KIMPLE. That is a 1938 Communist Party membership book, made out to L. Schneiderman, State of California, District 13, County Los Angeles, City Los Angeles, Section Industrial, Unit Teamsters, and the book was issued on the 12th month, the 8th day, in the 37th year. And it carries the official Communist Party seal with the stamped signature of W. Schneiderman. It is paid up in dues through the month of October.

Mr. TAVENNER. Will you state whether or not that is the original Communist Party book of Louis Schneiderman?

Mr. KIMPLE. It is, yes, sir.

Mr. TAVENNER. The same person who appeared just ahead of you on the witness stand?

Mr. KIMPLE. It is.

Mr. TAVENNER. And answered to the name of Louis Sherman?

Mr. KIMPLE. Yes, it is.

Mr. TAVENNER. I desire to offer a photostatic copy of the document in evidence, and ask that it be marked "Kimple Exhibit No. 3."

Mr. MOULDER. The document will be so marked and admitted in evidence. (See pp. 4032 and 4033.)

May I ask now, on what do you base your answer that this document is his Communist Party book.

Mr. KIMPLE. My knowledge of it. I base my answer on that, on the personal acquaintanceship I had with him, knowing him, knowing in what part of the Communist Party he was functioning, and recognizing this book as an official Communist Party book made out to him. And there was only one Louis Schneiderman in the Communist Party here in Los Angeles.

Mr. TAVENNER. I have no further questions of this witness, Mr. Chairman.

Mr. MOULDER. Any questions, Mr. Scherer?

Mr. SCHERER. No questions.

Mr. MOULDER. The witness is excused.

Or do you want him temporarily excused?

Mr. TAVENNER. I would like for him to stand aside.

Mr. MOULDER. The witness is temporarily excused.

Mr. KIMPLE. Yes, sir.

Mr. MOULDER. The subpoena which has been served upon you will remain in full force and effect (Witness temporarily excused.)

Mr. TAVENNER. Now may I ask Mr. Sherman to return to the witness stand.

KIMPLE EXHIBIT No. 3

Communist Party of the U.S.A.

1938 Membership Book

No. 60660

Name: **L. SCHNELDERMAN**

State: **Cal.** District: **13**

County: **L.A.**

Section: **1** Unit: **1**



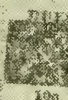

This book was issued on **12-18-37** (date)

INITIATION STAMP

Signature of State or District Organizer and Party Seal

No. 1

No Party Membership Book is valid unless it has the Party Seal stamped thereon. Issued by the Central Committee, C.P.U.S.A.

1938 Membership Dues			
January	February	March	April
DUES  10c	DUES  10c	DUES  10c	DUES  10c

1938 Membership Dues		
Internal Solidarity	May	June
 10c	DUES  10c	DUES  10c

BEHIND THE COMMUNISTS



FOR CONVENTION Assurances 10c

10c

KIMBLE EXHIBIT No. 3—Continued

[illegible]

TESTIMONY OF LOUIS R. SHERMAN, ACCOMPANIED BY COUNSEL,
BEN MARGOLIS—Resumed

Mr. TAVENNER. Mr. Sherman, I hand you "Kimple Exhibit No. 3," and ask you to examine it and tell the committee whether or not that was your Communist Party membership book.

(Document placed on the witness table.)

Mr. SHERMAN. I refuse to answer that question, Mr. Tavenner, on the same ground earlier stated.

Mr. TAVENNER. Did you examine the book?

Mr. SHERMAN. No, I did not.

Mr. SCHERER. I want to ask one question.

You have just heard the testimony of William Kimple, have you not?

Mr. SHERMAN. Yes.

Mr. SCHERER. Is anything that William Kimple told this committee about you untrue?

Mr. SHERMAN. Mr. Kimple is well known in this area, I understand, as an informer and a stool pigeon.

I would not engage in any debate or discussion on the subject. Therefore, I refuse to answer the question.

Mr. SCHERER. I think he is a fine American and has done a great job here in the Los Angeles area.

But, whether you class him as a stool pigeon or not, my question is whether or not anything he said about you is untrue, no matter what you call him.

Mr. SHERMAN. I refuse to answer that question on the same grounds earlier stated.

Mr. SCHERER. We always talk about drawing an inference. I am just going to ask what other inference can anyone draw than that

Kimple was telling the absolute truth because you refuse to even deny one iota of his testimony when you have an opportunity to do so, and have had an opportunity to hear his testimony.

(The witness confers with his counsel.)

Mr. SCHERER. Who can criticize anybody for drawing an inference from your invocation of the fifth amendment under those circumstances?

Mr. SHERMAN. Creatures who get paid money for being informers and stool pigeons are the last ones in the world that should be listened to or given any credence to.

Mr. SCHERER. But still you will not deny that he has told the truth?

Mr. SHERMAN. I have answered the question on the grounds earlier stated.

Mr. SCHERER. You refused to answer. You didn't answer.

Mr. SHERMAN. That is right, I refuse to answer in case there is any doubt in your mind.

Mr. TAVENNER. Mr. Schneiderman—

Mr. SHERMAN. My name is Sherman, Mr. Tavenner.

Mr. TAVENNER. Do you deny your name is Schneiderman?

Mr. SHERMAN. I have answered that question.

Mr. SCHERER. I ask you to direct the witness to answer the question.

Mr. MOULDER. The witness is directed to answer.

Mr. SHERMAN. I refuse to answer that question on the same grounds earlier stated.

Mr. TAVENNER. Mr. Schneiderman, I hand you a copy of a March 25, 1947, issue of the Daily People's World, and call your attention to an article reciting that Lou Sherman, president, CIO, Warehousemen's Union, Local 26, and others had formed a citizens' committee to elect Elsie M. Monjar, Communist, running for the city council.

Will you examine the article, please.

(Document placed on the witness table.)

Mr. TAVENNER. Will you state to the committee whether or not in 1947 you were endeavoring to assist the Communist Party in the area of Los Angeles by the formation of such a committee as referred to in that article?

Mr. SHERMAN. I repeat, Mr. Tavenner, I am not accountable to this committee for any of my beliefs, my associations, my background and my history.

Therefore, I refuse to answer your question, again on the same constitutional grounds.

Mr. TAVENNER. I hand you the December 19, 1947, issue of the Daily People's World, and call your attention to an article entitled "Real Busy Meeting. Local 26 Elects, Registers Petitions."

(Document placed on the witness table.)

Mr. TAVENNER. Will you examine it?

(The witness confers with his counsel.)

Mr. TAVENNER. Is there any reason why you do not desire to examine it?

Mr. SHERMAN. Will you repeat the question?

Mr. TAVENNER. Will you examine the paper that I have presented to you?

(The witness confers with his counsel.)

Mr. SHERMAN. I don't care to examine the document. Will you kindly repeat the question?

Mr. TAVENNER. Do you fully recall what I am speaking about without refreshing your recollection by examining the article?

Mr. SHERMAN. I fail to see any connection between the registration of citizens to vote and a Communist plot.

Mr. TAVENNER. May I have the article?

(Document handed to Mr. Tavenner.)

Mr. TAVENNER. This article shows that a total of 110 petitions of the Independent Progressive Party were being circulated at your local meeting at a time when you were president.

Will you tell the committee, please, whether or not that was being done at the instance of and as a part of the plan of the Communist Party?

Mr. SHERMAN. It seems to me that your question deals with a matter relating to what our union did at a certain time.

I don't propose to get into any discussion about any of the internal affairs of our union. The executive board of our union has decided that this committee is not serving a useful legislative purpose, and members subpoenaed before it should not cooperate to that extent.

What you are insinuating—

Mr. SCHERER. You say that is a decision of the union?

Mr. SHERMAN. It is a matter relating to the internal affairs of our union.

Mr. SCHERER. You say it is a decision of the union that the members shall not cooperate with the committee?

(The witness confers with his counsel.)

Mr. SHERMAN. I am repeating a very brief version, by the way, some of the substance of what the position is that was adopted by the executive board of our union last Wednesday night.

Mr. SCHERER. How many of that executive board are members of the Communist Party?

(The witness confers with his counsel.)

Mr. MARGOLIS. Why don't you let him answer one question at a time instead of constantly interrupting, Mr. Scherer?

Mr. SCHERER. I will ask these questions the way I see fit.

Mr. MARGOLIS. You appear to be doing that.

(The witness confers with his counsel.)

Mr. SHERMAN. I have lost track of the questions, Mr. Tavenner. I am not sure which of the two I should answer first.

Mr. SCHERER. I will withdraw the first question, and ask you—

Mr. SHERMAN. Which one do you want me to answer?

Mr. SCHERER. Ask you how many members of your executive board are members of the Communist Party.

Mr. SHERMAN. I don't think I should dignify your question with any suggestion of an answer. I would refuse on constitutional grounds to answer that question.

I thought that Mr. Tavenner was asking something relating to a policy or a position that was adopted by our union.

Mr. TAVENNER. No, I absolutely did not. I did not ask you for any action taken by your union. I am asking for action that was taken by you or some other person in presenting 110 petitions at that meeting.

To be more specific, did you present any of the 110 petitions at that meeting?

Mr. SHERMAN. I will refuse to answer your question on the grounds that discussing any of the affairs of a labor union are really not the property of this committee. But I will take the liberty, if I am allowed to read a portion of a statement adopted by our union executive board dealing with this matter——

Mr. SCHERER. As long as he is refusing to answer and takes the fifth amendment, he cannot read any statement. If he answers the questions, we will give him all day to read a statement. But he hasn't answered one significant question we have asked. He has refused to answer.

Mr. SHERMAN. Let the record show, Mr. Chairman——

Mr. SCHERER. He hasn't even told us what his name is.

Mr. SHERMAN. That the witness has not limited his claim of privilege to the fifth amendment only. Only Mr. Scherer seems——

Mr. SCHERER. It is the only one we recognize.

Mr. SHERMAN. Mr. Scherer seems to prefer the fifth amendment. I will repeat: Any privileges claimed before this committee are the 1st and 5th amendments and the 9th and 10th amendments of the United States Constitution.

Mr. MOULDER. Yes; the record reveals that.

Mr. SHERMAN. I would also like to ask at this time, since reference has been made to a policy adopted by the union, that the union executive board statement adopted Wednesday night of this week be introduced into the record as the official statement that I introduce in my own behalf. I subscribe to it. I will adhere to every single word in it, and I offer it in evidence.

Mr. MOULDER. The statement will be filed.

Mr. SCHERER. No. I object to it being filed as a part of the record. If he answers the question how many Communists were on the board that adopted that statement, I will agree that it go in. But, until he answers that, I object to any action of a union board with reference to its attitude toward this committee being offered or made a part of this record.

Mr. SHERMAN. That reinforces my belief, Mr. Chairman.

Mr. MOULDER. It is filed as a part of the proceedings. That doesn't mean that it is a part of the printed record.

(The statement referred to was filed for the information of the committee to be retained in its files.)

Mr. TAVENNER. Let me go back to the question I originally asked you. It was not a matter relating to any policy of your union at all. What I am interested in is the policy of the Communist Party in the promotion of the interest of the Independent Progressive Party. I am going to ask you again who took the 110 petitions for the Independent Progressive Party to your union meeting?

Mr. SHERMAN. Do you want me to name the 110 people who circulated petitions to put the Progressive Party on the ballot in California?

Mr. TAVENNER. No. We have quite a bit of evidence about that. But who took them to this meeting?

Mr. SHERMAN. I really don't remember. But if I did I would still refuse to answer the question on the same constitutional grounds.

Mr. TAVENNER. Whose plan was it to take these petitions to your meeting?

Mr. SHERMAN. The same question——

Mr. TAVENNER. Was it the Communist Party?

Mr. SHERMAN. With the same answer.

Mr. TAVENNER. Were you aware of the plan of the Communist Party to substitute the Independent Progressive Party for the Communist Party on the ballot in the State of California?

(The witness confers with his counsel.)

Mr. SHERMAN. I think you are assuming something that is your own private opinion. But I choose to refuse to answer your question.

Mr. TAVENNER. You could probably enlighten the committee. The committee has heard considerable evidence on that subject. In your prominence possibly you could help the committee if you would, if you were willing.

Mr. SHERMAN. I would never stoop to the level of the informers to help this committee violate any part of the Bill of Rights of the Constitution.

Mr. TAVENNER. Is that because in 1947 you were a member of the Communist Party?

Mr. SHERMAN. I have answered that. I refuse on the same grounds.

Mr. TAVENNER. Have you been a subscriber to the Daily People's World?

Mr. SHERMAN. Now we are dealing with the whole question of freedom of the press and freedom to read the press. I read a lot of newspapers. It is part of my job as a representative of the union to read the labor press and a lot of the other metropolitan papers in and around the State of California.

Mr. TAVENNER. Will you answer the question, please?

Mr. SHERMAN. In response to that specific question, I don't believe I have to answer as to whether I have read or subscribed to this particular paper or any other paper. I would refuse to answer that question on constitutional grounds.

Mr. TAVENNER. The question is whether or not you were a subscriber. Does that change your answer?

Mr. SHERMAN. No. My answer is still the same.

Mr. TAVENNER. According to the December 24, 1947, issue of the Daily People's World, you reminded the stewards of your union that they should subscribe to the Daily People's World. Did you do that?

Mr. SHERMAN. I don't recall the incident, Mr. Tavenner, but if I did I would still refuse to answer the question on the same constitutional grounds. It happened to be an internal affair. That is the right of a union—solely to determine its own affairs, and the right of the members to determine the policies of the union and who their officers and representatives shall be. If you intend to go into that matter I shall refuse to answer that question on that particular ground in addition to the usual grounds offered earlier.

Mr. SCHERER. May I make this observation, Mr. Chairman, that the union certainly does have the right to determine its own internal affairs and elect its own officers. But the union in so doing should have all of the facts concerning its officers.

Mr. SHERMAN. Are you proposing to be——

Mr. SCHERER. Some facts should not be hidden from them.

Mr. SHERMAN. Are you proposing to be the last word?

Mr. SCHERER. Namely, Communist membership of some of its officers. If they know that and still want to elect them, then that is perfectly all right.

Mr. SHERMAN. Apparently you see it your function to tell the members of our union and many other unions who their elected representatives shall be.

Mr. SCHERER. I didn't say that.

Mr. SHERMAN. That is exactly what you inferred.

You would like to be the judge of who shall be the elected representatives of labor unions in this country.

Mr. SCHERER. I just say that I think every union member has the right to know who in its membership are members of the Communist Party and what the correct names and what the background of its officers are so that they can exercise a free choice. And then, knowing that background, if they still want to elect that individual, they have the perfect right to do so.

Mr. MOULDER. Proceed, Mr. Tavenner.

Mr. TAVENNER. I hand you a photostatic copy of a petition of the Independent Progressive Party of California, at the end of which there is an affidavit bearing date the 26th day of January 1948.

(Document placed on the witness table.)

Mr. TAVENNER. Will you examine it, please, and state who signed the affidavit?

Mr. SHERMAN. I am sorry I don't follow your question, Mr. Tavenner. Would you mind repeating it?

Mr. TAVENNER. Will you examine the petition and state whether or not you signed the affidavit that appears at the bottom of it?

Mr. SHERMAN. I don't propose to examine the affidavit, but I would like to hear your question again.

Mr. TAVENNER. Again?

Mr. SCHERER. Wait a minute. I move that the witness be directed to examine the document in order that Mr. Tavenner may propound the question.

Mr. TAVENNER. I offer the document in evidence, and ask that it be marked "Sherman Exhibit No. 1," for identification.

Mr. MOULDER. The exhibit will be so marked and admitted in evidence.

(This exhibit is similar to Kalman Bloch exhibit No. 1, p. 3957, and will not be reproduced in the printed record. It is on file in the committee's records.)

Mr. MOULDER. Now the exhibit is before you, Mr. Sherman, and you are directed to examine it for the purpose of qualifying yourself to answer questions or to decline to answer questions which may be propounded by counsel.

(The witness confers with his counsel.)

Mr. SHERMAN. I am going to refuse to answer any questions concerning this document. So I, therefore, propose to refuse to examine the document.

Mr. TAVENNER. Mr. Chairman, the affidavit at the end of the document appears over the name of the affiant, Louis Sherman.

And it states under oath that Louis Sherman was the person who circulated that document and who procured the signatures on that document.

Mr. MOULDER. I do not believe the witness was asked a question as to whether or not he did circulate the petition and sign the affidavit you referred to.

Mr. TAVENNER. Did you obtain the signatures appearing on the document presented to you?

Mr. SHERMAN. I again refuse to answer the question on the same grounds earlier indicated.

Mr. TAVENNER. Was it a part of the Communist Party plan that you should circulate that document and obtain others in your union to follow your bidding in such action?

Mr. SHERMAN. It seems to me that Henry Wallace was the founder of the third party movement in this country some years ago, which resulted in the establishment of this party.

I don't propose to go into it, Mr. Tavenner. I don't think it is a proper subject for the inquiry of this committee. And I properly will refuse to answer this question on constitutional grounds.

Mr. SCHERER. The unions and everybody else have the right to know whether any of its officers are using the unions to promote Communist Party programs within the union. They have that right to that knowledge.

(The witness confers with his counsel.)

Mr. SCHERER. Then, as I said before, if, having that knowledge, they want to take certain action, they have a right to do it. And this committee proposes to show how the Communist Party used the unions in certain cases to promote objectives of the Communist Party and not necessarily the fine objectives of the union, and without the knowledge of the rank and file.

Mr. SHERMAN. Mr. Tavenner, those remarks of Mr. Scherer are highly offensive and insulting to the members of the union I represent. It assumes that they haven't got enough brains to make up their own minds about any question, whether it be political or economic.

I just want to remind you that any position that this union has ever taken on any matter, whether it involves wages or politics or economics, have been taken with the knowledge and the approval of the members of our union.

Mr. SCHERER. Have you told the union at any time that you were an active member of the Communist Party?

(The witness confers with his counsel.)

Mr. SHERMAN. You are assuming something, Mr. Scherer.

Mr. SCHERER. I ask you direct the witness to answer the question.

Mr. MOULDER. The witness is directed to answer the question.

Mr. SHERMAN. I have stated on innumerable earlier occasions that I will refuse to answer that and any of the similar questions on constitutional grounds. That is an invasion of the privacy and of the rights of any American, and I don't propose to allow this committee to do it to me.

Mr. SCHERER. When you are not under oath and when you are at union meetings don't you think the union has the right to know from you, when you are not under oath, whether or not you are a member of the Communist Party?

(The witness confers with his counsel.)

Mr. SHERMAN. If you were a member of the union you would have a right to get up and propose that. I doubt if the members of our union would listen to you.

Mr. SCHERER. You still evaded the question.

Mr. TAVENNER. Holding the positions that you have held since 1947 in your local union, were you required to sign what is known as the Taft-Hartley affidavit, affidavit of non-Communist union officer?

(The witness confers with his counsel.)

Mr. SHERMAN. This again, Mr. Tavenner, is a matter that involves the internal affairs of our union. Various unions choose to comply or not to comply, depending upon their own peculiar circumstances, conditions, or their own choosing. Whether our union does it or does not, whether we signed or did not sign is a matter, I believe, for union members to determine. And it is an internal matter of the union, and not a subject for inquiry of this committee.

Mr. SCHERER. Let's correct that a little bit. That is a law.

Whether you agree with the law or not, I assume that all unions follow the law. And we are very much interested in whether or not an individual complies with the provisions of the Taft-Hartley law.

It certainly is a proper subject of investigation of this committee because it deals directly with a union member saying whether or not he is a member of the Communist Party. And that is what we are investigating.

Mr. MOULDER. You mean officers.

Mr. SHERMAN. Mr. Scherer, you are inferring that unions that do not so-called comply are perhaps living outside the law.

May I remind you that there are some great labor organizations in this country, like the United Mine Workers and International Typographical Union, who do not choose to abide by the affidavit provisions of the Taft-Hartley law. But I would say unequivocally that every labor union in this country abides by the law. And whether or not it seeks to exercise its rights under the National Labor Relations Act is a matter primarily of its own choosing. Some do and some don't. But don't attribute any evil motives to those that may or may not.

Mr. TAVENNER. You have taken 10 minutes to avoid answering my question.

Were you required as an officer to sign a non-Communist affidavit?

Mr. SHERMAN. I refuse to answer that question on the same constitutional grounds announced earlier.

Mr. TAVENNER. I hand you a photostatic copy of a non-Communist union officer's affidavit marked "Sherman Exhibit No. 2," and I ask you to examine it and state whether or not you signed it.

(Document placed on the witness table.)

Mr. SHERMAN. I will refuse to answer that question. Therefore, it is no use or need for me to examine the document.

Mr. TAVENNER. I desire to offer the document in evidence, and ask that it be marked "Sherman Exhibit No. 2."

Mr. MOULDER. The document will be so marked and admitted in evidence.

(This exhibit is similar to Al Caplan exhibit No. 1, p. 4056, and will not be reproduced in the printed record. It is on file in the committee's records.)

Mr. MOULDER. I would suggest that, first, the witness be directed to examine the document in order that he might have an opportunity to qualify himself to answer the questions you may ask him about it. (The witness confers with his counsel.)

Mr. SHERMAN. I will answer no questions about this document, Mr. Chairman.

Mr. MOULDER. Do you also decline or refuse to examine it?

Mr. SHERMAN. Therefore, there is no need for me to examine this document I refer to.

Mr. TAVENNER. What is the date of the sworn statement?

Mr. WHEELER. The 12th day of January 1956.

Mr. TAVENNER. The document reads as follows:

The undersigned, being duly sworn, deposes and says:

"1. I am a responsible officer of the union named below;

"2. I am not a member of the Communist Party or affiliated with such party;

"3. I do not believe in and I am not a member of nor do I support any organization that believes in or teaches the overthrow of the United States Government by force or by any illegal or unconstitutional means."

Warehouse, Processing and Distribution Workers Union, Local 26, International Longshoremen's and Warehousemen's Union.

(Signature) LOUIS R. SHERMAN,

Secretary-Treasurer,

9517 Ceylon Avenue, Los Angeles 45, Calif.

Sworn and subscribed to before me this 12th day of January 1956, a notary public or other person authorized by law to administer oaths and take acknowledgements in and for the county of Los Angeles, State of California.

My commission expires November 27, 1959.

Jacob Lehman is the signature.

Were you a member of the Communist Party on the 12th day of January 1956, the date of this sworn affidavit?

Mr. SHERMAN. I refuse to answer that question on the same constitutional grounds announced earlier.

Mr. TAVENNER. I offer in evidence a second affidavit of non-Communist union officer marked "Sherman Exhibit No. 3," for identification, bearing date of January 6, 1955, and I will ask you to examine it and state whether or not you gave that sworn statement on the date indicated.

Mr. MOULDER. The document will be so marked and admitted in evidence.

(Document placed on the witness table.)

Mr. SHERMAN. I will again refuse to answer that question on the same constitutional grounds indicated earlier.

Mr. MOULDER. Witness, you are directed to examine the document referred to by counsel, marked "Sherman Exhibit No. 3."

Mr. SHERMAN. For the same reason, Mr. Chairman, I will refuse to examine the document. It is unnecessary since I am not going to answer the question anyway.

Mr. TAVENNER. Were you a member of the Communist Party on the 6th day of January 1955?

Mr. SHERMAN. I refuse to answer that question on the same constitutional grounds announced earlier.

Mr. TAVENNER. Did you execute a non-Communist affidavit for the year 1954?

Mr. SHERMAN. I will again refuse to answer that question on the same constitutional grounds.

Mr. TAVENNER. Were you a member of the Communist Party at any time during January of the year 1954?

Mr. SHERMAN. I again refuse to answer that question on the same constitutional grounds.

Mr. TAVENNER. Did you execute a non-Communist affidavit under the Taft-Hartley Act for the year 1953?

Mr. SHERMAN. I again refuse to answer that question on the same constitutional grounds.

Mr. TAVENNER. Were you a member of the Communist Party at any time during January of 1953?

Mr. SHERMAN. The same question; the same answer.

Mr. TAVENNER. Were you a member of the Communist Party during any day of January 1952?

Mr. SHERMAN. I will decline to answer on the same constitutional grounds.

Mr. TAVENNER. For the year 1951?

Mr. SHERMAN. The same answer.

Mr. TAVENNER. 1950?

Mr. SHERMAN. The same answer.

Mr. TAVENNER. 1949?

Mr. SHERMAN. The same answer.

Mr. TAVENNER. 1948?

Mr. SHERMAN. The same answer.

Mr. TAVENNER. Were you a member of the Communist Party at any time during the year 1947?

Mr. SHERMAN. The same answer.

Mr. TAVENNER. Are you a member of the Communist Party now?

Mr. SHERMAN. The same answer.

Mr. TAVENNER. I have no further questions.

Mr. MOULDER. Any questions, Mr. Scherer?

Mr. SCHERER. No questions.

Mr. MOULDER. The witness is excused.

Mr. TAVENNER. Mr. Thomas A. Chapman.

Mr. MOULDER. Will you hold up your right hand and be sworn, please.

Do you solemnly swear that the testimony which you are about to give before the committee will be the truth, the whole truth and nothing but the truth, so help you, God?

Mr. CHAPMAN. Yes, sir.

TESTIMONY OF THOMAS A. CHAPMAN, ACCOMPANIED BY COUNSEL BEN MARGOLIS

Mr. TAVENNER. What is your name, please, sir?

Mr. CHAPMAN. Thomas Chapman.

Mr. TAVENNER. Do you have a middle initial?

Mr. CHAPMAN. A.

Mr. TAVENNER. Will counsel please identify himself for the record.

Mr. MARGOLIS. Ben Margolis, of Los Angeles.

Mr. TAVENNER. When and where were you born, Mr. Chapman?

Mr. CHAPMAN. November 25, 1913, city of New York.

Mr. TAVENNER. Do you now reside in Los Angeles?

Mr. CHAPMAN. I do.

Mr. TAVENNER. How long have you resided in the State of California?

Mr. CHAPMAN. Since 1935.

Mr. TAVENNER. Will you tell the committee briefly what your formal educational training has been?

Mr. CHAPMAN. I graduated from the New York City high school system, and I had 4 years of college. I would say that my real education began during the depression, when I went around looking for a job, and that my education, at least in the question of democratic unionism, came when I affiliated with the greatest democratic union in the world, the International Longshoremen's and Warehousemen's Union (ILWU) whose members decide union policy and who are responsible to no one in the determination of union policy.

Mr. TAVENNER. Now, having volunteered that speech when my question was related solely to your formal educational training——

Mr. CHAPMAN. The question was of education, which I answered properly, Mr. Tavenner.

Mr. TAVENNER. You know what my question was. It was confined to your formal educational training.

Mr. CHAPMAN. And it is well known that education begins in the outside world and is not solely confined to the school system.

Mr. SCHERER. I ask that you direct the witness to answer.

Mr. MOULDER. I understand the witness has answered the question. He has completed his answer.

Mr. CHAPMAN. Yes, my answer is complete. But Mr. Tavenner keeps raising it over and over again.

Mr. TAVENNER. Did you receive any part of your educational training at the People's Educational Center in the city of Los Angeles? (The witness confers with his counsel.)

Mr. CHAPMAN. I refuse to answer that question on the basis of my constitutional rights.

I believe that a man has the right to study for himself in any way he chooses, to read what he chooses, to associate with whom he chooses to associate, and to develop himself and learn about life and about what he wishes to know.

I think this right is protected by the first amendment of the Constitution.

Where I go to school is strictly my own affair, and this committee has no right to examine me on this question. It is a matter that is reserved to the individual.

The sovereign rights of the individual in this country are guaranteed under the 9th and 10th amendments to the Constitution of the United States, which solely reserve to the people such rights as these, and which prevent Congress from inquiring into such matters because they are not given any authority to do so.

On the basis of the 9th and 10th amendments alone, I could refuse to answer this question.

It is also a violation of the first amendment of the Bill of Rights. On this ground I refuse to answer the question.

It is a violation, furthermore, of the fifth amendment which this committee forces me, forces me to take—as they would put it—refuge in because they consistently attempt to pervert the meaning of

this amendment, the meaning of this amendment being historically to protect the innocent and not to shield the guilty.

The Supreme Court has said recently, in the decision which has already been called to the attention of this body, that anybody who attempts to pervert the fifth amendment, as this committee does, and to say that it is an admission of guilt, is making a hollow mockery of the United States Constitution and also of the Supreme Court.

The committee has shown by its action that it so mocks the Constitution and the Supreme Court as well. It is for this reason that the executive board of our union acted as it did in connection with the committee, and I will not answer or cooperate with the committee because I will defend the right of unions to organize, and of members to believe as they choose, to determine their own union policy against the assaults of this committee, which is trying to do a job on our local in Los Angeles.

Mr. MOULDER. Very well.

Now the witness is directed to answer the question.

I might say, too, as chairman of the subcommittee, I am probably very lenient and tolerant with many witnesses who have made such statements as you have made.

Mr. CHAPMAN. May I say, I appreciate this very much.

Mr. MOULDER. To a reasonable degree. But let's not carry it too far.

And you are directed now to either answer the question or decline to answer, as you may choose to do.

Mr. CHAPMAN. In the future I can simply refuse on these constitutional grounds that I have already stated. And I will be very happy to do so.

May I also say that I appreciate very much the opportunity to say what I already have said.

Since so many people seem to be cut off, I appreciate this opportunity. And I will try to cooperate with the committee and make my answers brief as possible.

Mr. MOULDER. Now you are directed to answer the question propounded by counsel.

Mr. CHAPMAN. I believe I have. Have I not said I refused to answer on constitutional grounds?

Mr. MOULDER. You refuse under the provisions of the Constitution?

Mr. CHAPMAN. Yes; under all of these amendments, I refuse to answer.

Mr. TAVENNER. I hand you copies of the April and October 1947 announcement of courses at the People's Educational Center and ask you whether or not, as shown by those announcements, you taught during those terms at the People's Educational Center.

(Documents placed on the witness table.)

Mr. CHAPMAN. There is no need for me to examine these documents since I shall refuse to answer all questions concerning them.

Mr. SCHERER. I ask you to direct the witness to answer.

Mr. MOULDER. The witness is directed to examine the documents presented by counsel for the purpose of informing himself so that he might answer or decline to answer the questions as may be propounded by counsel.

(The witness confers with his counsel.)

Mr. CHAPMAN. You have already advised me that the document refers to the People's Educational Center, and I will answer no questions concerning the People's Educational Center. So there is no need for me to examine the document.

Mr. TAVENNER. Why?

Mr. CHAPMAN. What?

Mr. TAVENNER. Why do you refuse to answer any questions regarding that educational center?

Mr. CHAPMAN. On all the grounds previously cited.

Mr. TAVENNER. I desire to offer the two documents in evidence, ask that they be marked "Thomas A. Chapman Exhibits Nos. 1 and 2," respectively, and filed in the committee records.

Mr. MOULDER. The two documents referred to by counsel will be so marked and filed for the information of the committee.

Mr. TAVENNER. Will you tell the committee, please, whether or not you were the author of an article appearing in the November 15, 1944, issue of the People's World, entitled "Criticizing Critics," which I hand you.

(Document placed on the witness table.)

Mr. CHAPMAN. There is no need for me to examine this document because I will not answer any questions concerning these subject matters of the Daily People's World, which has been—you have already told me about—under constitutional grounds.

Mr. SCHERER. I ask that you direct the witness to examine the document.

Mr. MOULDER. The witness is directed to examine the document.

Mr. CHAPMAN. I will repeat that for the benefit of the committee, which apparently they didn't hear the first time: I will refuse to answer any questions concerning this document. So there is no need for me to examine the document. And I am refusing and basing my refusal on constitutional grounds, though I must say I can't understand why whether a person wrote an article for a paper is a subject for investigation by this committee, whether it is true or not.

Mr. TAVENNER. Just be a little patient and we may be able to explain it. This article shows that you were the feature editor of the Daily People's World. Will you tell us over how long a period you were the feature editor of the Daily People's World?

(The witness confers with his counsel.)

Mr. CHAPMAN. You are making an assumption, Counselor, that I was in fact the editor of the People's World. I will not go on this kind of assumption. I am going to refuse to answer all questions of this kind because they are an invasion of my right of privacy, and on the constitutional grounds heretofore cited.

Mr. SCHERER. Is counsel's assumption incorrect?

Mr. CHAPMAN. I am not even going to discuss the matter with you because it invades my right of privacy. I will not answer any questions concerning such matters. I base myself on my constitutional rights. I wouldn't answer, either, if you asked me if I wrote an article for the Warehouse News.

Mr. TAVENNER. You asked me the reason why I asked you the question.

Mr. SCHERER. Just a minute. Read that last answer.

Mr. MOULDER. He said he would not answer if he wrote an article for the Warehouse News.

Mr. CHAPMAN. No. The Warehouse News. That is a union publication.

Mr. SCHERER. That statement certainly indicates the witness is not invoking his constitutional grounds in good faith. It is obvious.

Mr. CHAPMAN. Ask me the question. I will make my constitutional grounds clear. That happens to be a union publication. Do you intend to inquire into union publications also, Congressman? When do you intend to stoop that low? I can understand your trying to assault and break unions.

I would like you to ask me that question. Please ask me if I ever wrote anything for the Warehouse News.

Mr. SCHERER. Let the record show that the witness is almost violent in his actions on the stand.

Mr. MOULDER. I want to warn the people in the hearing room.

Mr. SCHERER. And that he is surly and sarcastic, and that his voice is exceptionally loud, because I assure you, sir, that I am going to have this matter referred for contempt.

Mr. CHAPMAN. I am very glad, Congressman, to lower my voice. I will try to modulate it. And I do not wish to—

Mr. SCHERER. We have tried to treat you right. You are making one of the typical speeches, we know, for the benefit of your union here.

Mr. CHAPMAN. My union is under attack, Congressman. I must speak in its defense against you or anyone else who assaults it. And just because at this moment you choose to modulate your voice instead of using your usual maniacal tone is no reason why I must modulate mine. I am a worker. I resent an attack on my union. I am going to defend it. You try to bust it if you want, and you won't bust it.

Mr. SCHERER. I ask that the witness be escorted from the room by the deputy marshal.

Mr. MOULDER. The request of my colleague Mr. Scherer is granted.

Mr. MARGOLIS. He is willing to leave under his own power. There is no necessity for his being escorted.

Mr. SCHERER. I ask that he be escorted.

Deputy Marshal, will you remove him from the hearing room. He is in absolute contempt.

Mr. MARGOLIS. He is ready to leave on his own power.

Mr. SCHERER. Out of the room.

Mr. MOULDER. I wish to make this announcement: We are privileged to have with us in the hearing room Rabbi Max J. Merritt, who is ex-director of the Los Angeles Chapter of the American Jewish League Against Communism.

Shall we stand in recess for 5 minutes?

Mr. TAVENNER. May I finish this? It will only take a minute. I mean if it is all right to just finish with this witness.

I desire to offer into evidence marked for identification as "Thomas A. Chapman Exhibit No. 3," a photostatic copy of a petition of the Independent Progressive Party of California, bearing the date the 15th day of February 1948 at the end of which there is an affidavit by Thomas A. Chapman, in which he states that he solicited the signatures appearing thereon.

Mr. MOULDER. The exhibit will be marked as requested by counsel, and admitted in evidence.

(This exhibit is similar to Kalman Bloch exhibit No. 1, p. 3957, and will not be reproduced in the printed record. It is on file in the committee's records.)

Mr. TAVENNER. I also want to call to the committee's attention that Elizabeth Anderson Wilson, who appeared as a witness before this committee in September of 1951, identified Tom Chapman as a person known to her to be a member of the Communist Party, and that at that time he was employed as a reader in a studio.

I also want to call to the committee's attention the testimony of Sol Shor, bearing date of March 12, 1953, at page 930 of the printed record. He identified Tom Chapman as a member of the Communist Party.

That is all Mr. Chairman.

Mr. MOULDER. We will stand in recess for a period of five minutes.

(Whereupon, a short recess was taken. Present: Representatives Moulder and Scherer.)

(The committee was reconvened at the expiration of the recess. Present: Representatives Moulder and Scherer.)

Mr. MOULDER. The committee will be in order and those persons in the corridors and those who desire to hear the proceedings will take their seats as quickly as possible.

I wish to announce, or to request the United States Deputy Marshal to be diligent in observing the conduct of persons in the committee hearing room and, as requested by members of the committee, the United States Marshal is directed to remove any person from the hearing room who makes audible comment or makes any demonstration which will interrupt or disturb the proceedings being had by the committee.

Would you call your next witness, please?

Mr. SCHERER. Do I understand, Mr. Chairman, that statement and that order are made to the marshal without further direction from the committee?

Mr. MOULDER. That is correct.

Mr. TAVENNER. Mr. Sidney London.

Mr. MOULDER. Hold up your right hand and be sworn, please.

Do you solemnly swear that the testimony which you are about to give before the committee will be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. LONDON. I do so swear.

TESTIMONY OF SIDNEY LONDON, ACCOMPANIED BY COUNSEL, BEN MARGOLIS

Mr. TAVENNER. What is your name, please, sir?

Mr. LONDON. May I request that counsel be allowed to participate or sit down next to me?

Mr. MOULDER. Yes. You are entitled to have counsel if you prefer counsel.

Mr. TAVENNER. Your counsel is beside you. Will you state your name, please?

Mr. LONDON. My name is Sidney London.

Mr. TAVENNER. Will counsel please identify himself for the record?

Mr. MARGOLIS. Ben Margolis, of Los Angeles.

Mr. TAVENNER. When and where were you born, Mr. London?

Mr. LONDON. I was born on May 7, 1914, Youngstown, Ohio.

Mr. TAVENNER. Where do you now reside?

Mr. LONDON. I reside in Monterey Park, Calif.

Mr. TAVENNER. How long have you resided in California?

Mr. LONDON. Since 1948.

Mr. TAVENNER. Will you tell the committee, please, what your formal educational training has been?

Mr. LONDON. High school and college.

Mr. TAVENNER. Where did you receive your college work?

Mr. LONDON. Brooklyn College, Brooklyn, N. Y.

Mr. TAVENNER. How many years did you attend Brooklyn College?

Mr. LONDON. Six years.

Mr. TAVENNER. Did you receive a degree?

Mr. LONDON. I did.

Mr. TAVENNER. In what field?

Mr. LONDON. A bachelor of arts.

Mr. TAVENNER. When did you receive your degree?

Mr. LONDON. I believe it was in the year of 1937.

Mr. TAVENNER. Tell the committee, please, what was your employment prior to your coming to California in 1948?

Mr. LONDON. To the best of my recollection, I was employed in a hair net manufacturing company and a textile export house, and served 3 years in the United States Army.

Mr. TAVENNER. Where did you have that employment, and in what years?

Mr. LONDON. Those years were roughly—and I am not certain of the dates—between the years of 1936 and 1948.

Mr. TAVENNER. What was the period of your service in the Armed Forces?

Mr. LONDON. From November of 1942 to December of 1945.

Mr. MOULDER. In what branch of the service?

Mr. LONDON. In the United States Army Air Force.

Mr. MOULDER. Where were you assigned to duty?

Mr. LONDON. I was mainly assigned to duty at an airfield in California.

Do you want the specific area?

Mr. MOULDER. I want you to have the benefit of stating as fully as you please all information you have about your services in the Armed Forces of the United States.

Mr. LONDON. Of course, I went wherever I was assigned to go, as all members of the Armed Forces. And I was assigned to serve at Muroc Airfield at Muroc, Calif. And I believe I was in several other camps, I know I was, throughout the country.

I don't particularly see the need for identifying the various places that the Army sent me.

Mr. MOULDER. That wasn't my point. I want you to have the full opportunity for having a favorable reflection—

Mr. LONDON. Thank you.

Mr. MOULDER. Reflection upon you as an individual in connection with your services in the United States Armed Forces. And also to state whether or not your discharge was honorable.

Mr. LONDON. Oh, yes. I received an honorable discharge.

Mr. TAVENNER. When you were discharged from the Army, did you return to the city of New York?

Mr. LONDON. That I did.

Mr. TAVENNER. How were you employed between the time of your discharge and your coming to California in 1948?

Mr. LONDON. I was employed by this hair net manufacturing company for a period of several months, I don't recall the exact period of time, and I was also employed after that by this export textile house.

Mr. TAVENNER. How were you employed prior to your induction into the Armed Forces in 1942?

Mr. LONDON. I was employed by this aforementioned hair net concern.

Mr. TAVENNER. How long had you been so employed?

Mr. LONDON. I had been employed there approximately 6 or 7 years.

Mr. TAVENNER. Was that in the city of New York?

Mr. LONDON. In the city of New York.

Mr. TAVENNER. Were you selected by the State committee of the Young Communist League of the State of New York to attend a special convention of the Young Communist League which was called by its national board in New York City on December 21 and 22, 1940?

Mr. LONDON. I do not recall this specific instance that the counselor is speaking of, nor would I, if I did recall, dignify that question or other questions of this nature with an answer that this committee wants me to give on the basis of attempting to prove something about the union to which I belong as being infiltrated or dominated or controlled by some sinister forces such as might be represented according to the inference of this question by myself, and I therefore will refuse to answer this question on the grounds of the 1st, the 9th, the 10th, and the 5th amendments.

Mr. TAVENNER. Were you secretary of the educational bureau of the Young Communist League in 1941 in the city of New York?

Mr. LONDON. I believe that I have stated my position on this, that any attempt being made to divide or influence the members of my union so that they can squabble among themselves as to who is or who is not a Communist, a Republican, a Democrat, and forget that they are trade unionists, is none of the committee's business, and I will refuse to answer this question as I will all similar questions on the basis of the 1st, 9th, 10th, and 5th amendments.

Mr. MOULDER. In any future questions propounded to you which you refuse to answer, you might state that you are reiterating the reasons for declining to answer which you have already given. Is that agreeable with you, Mr. Scherer?

Mr. SCHERER. Yes.

Mr. LONDON. All right.

Mr. TAVENNER. Were you a member of the Young Communist League in the city of New York in 1941?

Mr. LONDON. Counselor Tavenner, I would like to make one position very clear. I am here because I am an active member of local 26 of the International Longshoremen's and Warehousemen's Union—

Mr. TAVENNER. Mr. Chairman, the answer is not responsive to my question.

Mr. MOULDER. It certainly isn't. It will help us expedite the proceedings, if you refuse to answer or decline to answer for the reasons stated by you. It would help you and help us if you do so.

Mr. TAVENNER. What did you tell the committee your employment had been between 1948 and the present time in California? I know you testified to that, but I do not recall what you said.

Mr. LONDON. I would like to have the question repeated.

Mr. TAVENNER. What has been your employment in California between 1948 and the present time?

Mr. LONDON. Between 1948 and the present time, I was employed for several periods of time, different periods of time, by a shirt manufacturing company, by two shirt manufacturing companies. I was employed in the ladies' garment industry by one manufacturing company. And I am now employed by the Thrifty Drug Co. in their warehouse.

Mr. TAVENNER. When did your present employment begin?

Mr. LONDON. My present employment began in 1953.

Mr. TAVENNER. Where have you been employed between 1953 and the present time?

Mr. LONDON. I have been employed by the Thrifty Drug Co., between 1953 and the present time.

Mr. TAVENNER. Where is that located? Is it in the city of Los Angeles?

Mr. LONDON. In the city of Los Angeles.

Mr. TAVENNER. During that period of time, have you lived in the city of Los Angeles?

Mr. LONDON. I have, during that period of time, not lived in the city of Los Angeles.

Mr. TAVENNER. Where have you lived?

Mr. LONDON. I have lived in Culver City and Monterey Park during the whole period of time I have been employed by the Thrifty Drug Co.

Mr. TAVENNER. You have lived where?

Mr. LONDON. In Culver City and Monterey Park.

Mr. TAVENNER. During what part of that period have you lived in Culver City and what part at Monterey Park?

Mr. LONDON. I am not sure of the exact accuracy of the time element here—but I did live in Culver City up to the year 1954, from the end of 1952 or beginning of 1953, and then moved to Monterey Park.

Mr. TAVENNER. What was your employment prior to 1953?

Mr. LONDON. As I have already stated, I was employed by several garment manufacturing concerns.

Mr. TAVENNER. I hand you a document marked for identification as "Sidney London Exhibit No. 1." It is a photostatic copy of a Communist Party Independent Nominating Petition for the State of New York for the election of Simon W. Gerson to the position of councilman for the Borough of Brooklyn. Will you examine it, please, and state whether or not the name of Sidney London appears on line 3 and whether or not you signed it on that line?

(Document placed on the witness table.)

(The witness confers with his counsel.)

Mr. LONDON. I am not going to examine this document and I am not going to answer any questions in regard to this document on the grounds previously stated.

Mr. TAVENNER. I think he should be directed to answer.

Mr. MOULDER. He has claimed the privileges under the previously stated grounds. He refuses to examine the document and also refuses to answer questions concerning it.

Mr. TAVENNER. I desire to offer the document in evidence and ask that it be marked "Sidney London Exhibit No. 1."

Mr. MOULDER. The document so marked is admitted in evidence.

SIDNEY LONDON EXHIBIT No. 1

COMMUNIST PARTY**INDEPENDENT NOMINATING PETITION**

To the Board of Elections in the City of New York:

I, the undersigned, do hereby state that I am a duly qualified voter of the political unit for which a nomination for public office is hereby made, that my place of residence is truly stated opposite my signature hereto and that I intend to support at the ensuing election, and I do hereby nominate the following named person as a candidate for nomination for public office to be voted for at the election to be held on the 2nd day of November, 1948, and that I select the name COMMUNIST PARTY as the name of the independent body making the nomination and

FACTORY SMOKESTACK AND SHEAF OF WHEAT



as the emblem of such body.

NAME OF CANDIDATE	PUBLIC OFFICE	PLACE OF RESIDENCE	PLACE OF BUSINESS
SIMON W. GERSON	COUNCILMAN Borough of Brooklyn City of New York	850 - 18th Avenue Brooklyn, N. Y.	26 Court Street Brooklyn, N. Y.

I do hereby appoint:

DOROTHY CACCHIONE, residing at 8750 Bay Parkway, Brooklyn, N. Y.

NORMAN SCHRANK, residing at 1728 63rd Street, Brooklyn, N. Y.

BEATRICE SACKS, residing at 1414 W. 5th Street, Brooklyn, N. Y.

RICHARD M. JONSON, residing at 99 N. Portland Avenue, Brooklyn, N. Y.

MARGARET KRUMBEIN, residing at 1114 Park Place, Brooklyn, N. Y.

all of whom are voters within such political unit, as a committee to fill vacancies in accordance with the provision of the election law.

IN WITNESS WHEREOF, I have hereunto set my hand the day and year placed opposite my signature.

DATE	FULL NAME OF SIGNER	RESIDENCE	Election District	City	Kings County Assembly District
3 August 1948	Sidney London	827 Lafayette Avenue Borough of Brooklyn, New York City	20	New York	6

STATE OF NEW YORK,
CITY OF NEW YORK,
COUNTY OF KINGS,

ss.:

Anna Mandel, being duly sworn, says: I am a duly qualified voter of the State of New York and now reside in the Borough of Brooklyn, City of New York, in the County of Kings, in such state at 503 Koscisko Street Brooklyn, N. Y., therein. I was last registered for the general election in the year 1947 from 503 Koscisko Street Brooklyn, N. Y., in the Borough of Brooklyn, City of New York, in the County of Kings, in such state. The said residence was then in the 19 Election District of the 6 Assembly District, Kings County. I know each of the voters whose names are subscribed to the above sheet of the foregoing petition containing 10 signatures and each of them subscribed the same in my presence and upon so subscribing declared to me that the foregoing statement, made and subscribed by him or her, was true.

Sworn to before me, this 19
day of August, 1948.

(Signature of Officer)

(Official Title of Officer)

(Signature of Witness)

Page No. 141Kings County Clerk's No. March 30, 1949

Commission Expires

Mr. TAVENNER. I think I should read the date of the document which is August 19, 1948.

Did you live at 827 Lafayette Avenue, Borough of Brooklyn, in August of 1948?

(The witness confers with his counsel.)

Mr. LONDON. I am going to refuse to answer this question on the grounds previously stated, as I can see no reason why it is the business of this committee to know exactly where I have lived.

Mr. TAVENNER. Have you been a member of the Communist Party in the city of Los Angeles at any time since the beginning of your present employment in 1953?

Mr. LONDON. I will refuse to answer this question and I also want to say that I am invoking the 9th and 10th amendments of the Constitution as well as the 1st and 5th because the 9th and 10th amendments of the Constitution, dealing with delegated powers, as has already been previously stated by former witnesses, implies and has been so held that the people are sovereign for those powers that have not been delegated to elected representatives of Government. And it is more than an implication that representatives in Congress, or any other legislative body, are there to serve the people and not to have the people serve them. I have only seen this committee do one kind of service in the main, and that is the service of subpenas.

I refuse to answer the question on the grounds previously stated.

Mr. TAVENNER. Have you been a member of the Communist Party at any time since 1948, up until the time of your present employment?

Mr. LONDON. If somebody has made that assertion—and I don't particularly want to do this—I would like to refer the committee to a quotation from Mark 15: 2-5 of the Bible where:

Pilate asked him, "Art thou the King of the Jews?" And He—
Jesus—

answering said unto him, "Thou sayest it."

And the chief priests accused him of many things; but he answered nothing.

And Pilate asked him again, saying, "Answerest thou nothing?" behold—

Mr. MOULDER. What is the question, Mr. Tavenner?

Mr. TAVENNER. He has refused to answer that question.

Mr. MOULDER. Let's have the next question.

Mr. LONDON. I beg your pardon, sir. I haven't been directed to answer that question.

Mr. TAVENNER. Do you want to be directed?

Mr. SCHERER. Regular order. Let's go with the next question.

Mr. MOULDER. The witness is directed to answer.

Mr. LONDON. I refuse to answer that question on the grounds previously stated.

Mr. TAVENNER. Are you now a member of the Communist Party?

Mr. LONDON. I refuse to answer that and all similar questions that are being put by this committee for the purposes of dividing our union and trying to inject controversial issues into a place of business or a union where the members have the sole right of deciding for themselves who is or what is anything.

Mr. MOULDER. You have a reasonable time to either answer the question or decline to answer it.

Mr. LONDON. I decline to answer this question on the grounds previously stated.

Mr. MOULDER. The witness is excused.

Call the next witness, please.

Mr. TAVENNER. Mr. Alfred H. Caplan.

Mr. MOULDER. Would you kindly hold up your right hand?

Do you solemnly swear that the testimony which you are about to give before the committee will be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. CAPLAN. I do.

TESTIMONY OF ALFRED (ABRAHAM) HALE CAPLAN, ACCOMPANIED BY COUNSEL, BEN MARGOLIS

Mr. TAVENNER. What is your name, please, sir?

Mr. CAPLAN. My name as it appears on my birth certificate is Abraham, spelled in the same manner as Abraham Lincoln, the second name is Hale, the last name is Caplan, C-a-p-l-a-n. Several months after I was born—

Mr. MOULDER. That will be unnecessary, please. Let's not get into long discussions. You have answered the question by giving your name in response to the question.

Mr. CAPLAN. I have not finished, sir. My name has been changed.

Mr. MOULDER. Proceed.

Mr. TAVENNER. He says his name has been changed.

Mr. CAPLAN. That is what I was about to say.

Several months after I was born my mother and father changed my name to Alfred Hale Caplan.

Mr. TAVENNER. That is quite sufficient.

Mr. CAPLAN. Presently I am known as Al.

Mr. TAVENNER. When and where were you born, Mr. Caplan?

Mr. CAPLAN. I was born 1418 North Tallman Avenue, Chicago, Ill., July 8, 1918.

Mr. TAVENNER. It is noted that you are accompanied by the same counsel who accompanied the preceding witness.

Where do you reside, Mr. Caplan?

Mr. CAPLAN. I reside in the same congressional district as Congressman Doyle, Los Angeles.

Mr. TAVENNER. For the record, where do you reside?

Mr. CAPLAN. In Los Angeles, in the same district as Congressman Doyle.

I note that Congressman Doyle has left the hearing.

Mr. TAVENNER. How long have you lived in Los Angeles?

Mr. CAPLAN. I have lived in Los Angeles since 1932, with the exception of the time I spent in the United States Marine Corps and working for this union in Chicago, Ill.

Mr. TAVENNER. How long were you in the Armed Forces of the United States and during what period?

Mr. CAPLAN. I was in the United States Marine Corps for some 25 months.

Mr. TAVENNER. Will you give the dates please?

Mr. CAPLAN. I don't recall the exact date. I believe it was the early part of 1944 until March 1, I believe, 1946.

Mr. TAVENNER. What has your employment been since 1946?

Mr. CAPLAN. Since 1946 I have been actively engaged and elected by the membership of local 26 as vice president and as president of

local 26. I am also international executive board member of the international union. And as president of local 26 I have been instructed by my executive board to suggest and ask of this committee, recommend and demand that they take their hands off our union.

Mr. SCHERER. I move, Mr. Chairman, that the last part of the witness' answer which is not responsive to the question be stricken from the record.

Mr. MOULDER. That request will be duly considered by the full committee.

Mr. TAVENNER. Did you file an affidavit as a non-Communist union officer under the provisions of law for the year 1956?

Mr. CAPLAN. In reference to these remarks and in reference to what the Congressman might be from Illinois or Ohio, as you said——

Mr. TAVENNER. That is not responsive to my question. Will you please reply to my question?

Mr. CAPLAN. Counselor Tavenner, I don't want to sound testy or ridiculous, I want to modulate my voice. I do have a cold. You brought me down to this hearing out of a sick bed, as you well know.

Mr. TAVENNER. No complaint has been made about your voice. Please answer the question.

Mr. CAPLAN. The point I wanted to make is that apparently you don't understand, or you could not read my mind as to what I am about to say. You cut me off. I believe that you may not agree with what I say.

Mr. MOULDER. What is the question pending, Mr. Tavenner?

Mr. TAVENNER. My question was whether or not he signed an affidavit as a non-Communist union officer for the year 1956, as required under the provisions of the law.

Mr. CAPLAN. Congressman Scherer has asked my remarks be stricken from the record when I said, "Take your hands off our union."

Those questions relate to union activities.

Mr. MOULDER. You will be given a reasonable time to answer the question or decline to answer as you may elect to do.

Mr. CAPLAN. If I am given a reasonable time to answer the question, I am trying to avail myself of that reasonable time.

Mr. MOULDER. It calls for a reasonable answer. He asked you, did you sign such an affidavit?

Mr. CAPLAN. I am attempting to tell counselor for the committee.

Mr. MOULDER. Either answer the question or——

Mr. CAPLAN. I am not a man of few words.

Mr. MOULDER. Or decline to answer and give your reason for it, either one.

Mr. CAPLAN. It is very obvious, Mr. Chairman, that it is difficult to answer in language that one who is called upon to answer——

Mr. MOULDER. What I mean is if you signed such an affidavit and you wish to admit that you did sign such an affidavit, then you will be given an opportunity to explain or expand upon your reasons for signing or not signing, or denying that you signed it, as you may elect to do.

(The witness confers with his counsel.)

Mr. CAPLAN. I refuse to answer the last question of counsel for the committee, based upon the following grounds:

Number one, the first amendment to the Bill of Rights—and I note you smile when I mentioned the Bill of Rights, Counsel,—insofar as the right of each American citizen to freedom of speech, freedom of the press. I relate to Articles IX and X, known as the ninth and tenth amendments, in which certain rights are kept by the people; and I literally meant that the right of the union to be secure, its members to be secure, and I as an individual to be secure, are contained in some of these amendments.

Mr. SCHERER. To be secure from Communist domination, too, and control. A union has that right, too, under that amendment.

Mr. CAPLAN. Last, Mr. Chairman,—I will at least have one opportunity of interrupting the Congressman as he has interrupted me—Article V, known as the fifth amendment insofar as due process, insofar as being compelled to testify, and all other provisions that I may not have mentioned in these four particular amendments, based upon those four amendments I refuse to answer your question.

Mr. TAVENNER. I hand you a photostatic copy of an affidavit of non-Communist union officer, marked for identification as “Al Caplan Exhibit No. 1.” It is the National Labor Relations Board Form No. 1081.

I ask that you examine it please.

(Document placed on the witness table.)

Mr. CAPLAN. Excuse me. I am discussing with my counsel.

(The witness confers with his counsel.)

Mr. CAPLAN. I will not dignify this committee by answering the question, and obviously I will not dignify the question by looking at the document. I refuse on the same constitutional grounds that I have heretofore stated.

Mr. MOULDER. The document marked “Caplan Exhibit No. 1” is offered to the witness, with the direction that he examine the document for the purpose of qualifying himself to answer such questions as may be propounded to him by counsel or by members of the committee.

(The witness confers with his counsel.)

Mr. MOULDER. You are so directed for the reason that it is our duty to advise and inform you that your refusal to examine the document might place you in a position of being guilty of contempt, and that statement isn’t made in the nature of a threat. It is just purely for your advice and information.

Mr. CAPLAN. That may be your intention, but I want to say, Mr. Chairman—I might get in difficulty here—you don’t intimidate me so easy.

Mr. MOULDER. I am not trying to intimidate you.

Mr. CAPLAN. I don’t think you are. But the Congressman sitting over here—I wish he would stick around and come on back. I like to sit next to him.

Mr. SCHERER. Well, the air isn’t so good down there with you Communists. I need a little fresh air up here.

Mr. MOULDER. Let’s proceed with the next question, please, Mr. Tavenner.

Mr. TAVENNER. I desire to offer the document in evidence and ask that it be marked “Al Caplan Exhibit No. 1.”

Mr. MOULDER. The exhibit referred to by counsel will be so marked and admitted in evidence.

AL CAPLAN EXHIBIT NO. 1

Form NLRB-1001
(9-54)UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD**AFFIDAVIT OF NONCOMMUNIST UNION OFFICER**

(See instructions on reverse)

The undersigned, being duly sworn, deposes and says:

1. I am a responsible officer of the union named below.
2. I am not a member of the Communist Party or affiliated with such party.
3. I do not believe in, and I am not a member of nor do I support any organization that believes in or teaches, the overthrow of the United States Government by force or by any illegal or unconstitutional methods.

Warehouse, Processing & Distribution Workers Union, Local 26 ✓

(Full name of union, including local name and number)

International Longshoremen's & Warehousemen's Union

(Full name of national or international union of which it is an affiliate or constituent unit)

Signature Al CaplanTitle of office President ✓Assumed office on January 6, 1955 ✓

(Month)

(Day)

(Year)

Residence 405 East 118th Place ✓

(Number and street)

Los Angeles, Calif ✓
(City and State)

(The notary public or other person authorized by law to administer oaths must fill in completely all blank spaces below.)

Subscribed and sworn to before me this 6 day of January 1955 ✓A notary public or other person authorized by law to administer oaths and take acknowledgments in and for the county of Los Angeles, State of Calif.My commission expires My Commission Expires Nov 27, 1955 ✓Jacob L. Schman
(Signature) ✓

[SEAL]



WARNING.—The attention of persons filing this form with the Board is directed to U. S. Code, Title 18, Sec. 1001 (formerly Sec. 80), which provides that any person willfully making or causing to be made any false or fraudulent statements or representations in any matter within the jurisdiction of the Board shall be fined not more than \$10,000 or imprisoned not more than 5 years, or both.

10-55020-8

(The witness confers with his counsel.)

Mr. TAVENNER. I think I should read the affidavit. It is the usual affidavit of non-Communist membership. It was sworn to on January 6, 1955, and the name of the affiant is Al Caplan, C-a-p-l-a-n.

Mr. CAPLAN, were you a member of the Communist Party on the 6th day of January 1955, the date of this document?

Mr. CAPLAN. You know, apparently people don't believe me when I tell you something. Just keep your—

Mr. SCHERER. That is true.

Mr. CAPLAN. Just keep your hands off our union, off our members, see. And you try this routine—come on, Congressman. You know I'm baiting you—you try this routine. By the way, since you left I notice the air has cleared up, at least around me.

Mr. MOULDER. Let us proceed as orderly as possible.

Mr. CAPLAN. Mr. Chairman, I would suggest you tell the Congressman, too.

Mr. MOULDER. I understand.

Mr. CAPLAN. I have been needled by experts. I don't consider this Congressman an expert.

Mr. MOULDER. Let's please have order in the hearing room. And may I say that in the event that there are more demonstrations it may be necessary to order the hearing room cleared of all spectators, which will be with the exception of the press and the staff.

Mr. TAVENNER. Let me assure the witness that his discourtesy to the members of the committee is not going to affect me one bit in the questions I am going to ask him.

Mr. CAPLAN. You say discourtesy?

Mr. TAVENNER. Yes, discourtesy.

Mr. CAPLAN. I am not trying to be discourteous.

Mr. TAVENNER. I hand you a photostatic copy of a second non-Communist affidavit. This affidavit was sworn to on January 5, 1956, and the name of the affiant is Al Caplan. It is marked for identification only as "Al Caplan Exhibit No. 2."

I ask you whether or not you signed it?

(Document placed on the witness table.)

Mr. CAPLAN. I will not answer.

Mr. MOULDER. The same direction is given to the witness as before as to exhibit No. 1.

Mr. CAPLAN. I will not answer on the same grounds. That is, it is still the same subject matter, as I understand, counselor has directed. I will not answer, on the same constitutional grounds that I have heretofore stated.

Mr. TAVENNER. I desire to offer the document in evidence and ask that it be marked "Al Caplan Exhibit No. 2."

Mr. MOULDER. The document will be so marked.

(This exhibit is similar to Al Caplan exhibit No. 1, p. 4056, and will not be reproduced in the printed record. It is on file in the committee's records.)

Mr. TAVENNER. Were you a member of the Communist Party on the 6th day of January 1955, Mr. Caplan?

Mr. CAPLAN. Do you accept the same answer? Will it speed this thing along?

Mr. TAVENNER. We understand when you make the remark "the same answer" it will be by reference to include all of the reasons that you

have given prior to that question for declining or refusing to answer.

Mr. CAPLAN. The taxpayers have paid enough money for this hearing. Let's shorten it.

Mr. TAVENNER. Did you execute a similar affidavit for the year 1954?

Mr. CAPLAN. Same answer.

Mr. TAVENNER. Were you a member of the Communist Party at any time during the year 1954?

Mr. CAPLAN. Same answer.

Mr. TAVENNER. Did you execute a similar affidavit for the year 1953?

Mr. CAPLAN. Same answer.

Mr. TAVENNER. Were you a member of the Communist Party in the year 1953?

Mr. CAPLAN. Same answer, Counselor.

Mr. TAVENNER. Mr. Caplan, have you taken part in a movement designed to defend the 11 Communists who were on trial in the city of New York in 1949?

Mr. CAPLAN. Mr. Chairman, would it be possible—may I ask you a point of procedure? Would it be possible to say, No. 1, any answers relative to my personal life, insofar as thinking, reading, what I sign, what I don't sign; and secondly, all answers relative to union functions, that the constitutional grounds that I have set forth—isn't it possible to say on all these questions that you have, you know I am not going to answer them, you knew that before the hearing started, you knew the position, I believe, that I was going to take—couldn't we expedite it by saying, "Look, fellows, you know what I am going to do. So I am doing it."

Mr. SCHERER. Don't you want the public to hear these questions asked about you? Are you afraid of them? Is that the reason you want to expedite it? Don't you want your union to know about it?

Mr. CAPLAN. Nice trying, Congressman. It just don't work.

Mr. SCHERER. It was a good try.

What is the reason you do not want these questions asked?

Mr. MOULDER. I would suggest the question be reframed and that you name some of the persons referred to as the 11 Communists.

Mr. TAVENNER. Eugene Dennis was one of the 11 principal Communists of the United States at the time in 1949.

Mr. SCHERER. That is where they harassed Judge Medina, just like this witness is attempting to harass this committee.

Mr. TAVENNER. I will ask the witness to examine the October 31, 1949, issue of the Daily People's World and state whether or not he was one of the leaders of a movement which was entitled in this paper to be "L. A. Leaders Urge Bail for Communist Eleven."

Mr. CAPLAN. The same answer to the documents that are offered to me—at least thus far.

Mr. TAVENNER. May I ask that the witness be directed to examine the article?

Mr. CAPLAN. The same answer.

Mr. MOULDER. The witness is directed to—

Mr. CAPLAN. You accept my—

Mr. MOULDER. Examine the document. And the witness declines to examine the document for the reasons previously given.

(The witness confers with his counsel.)

Mr. TAVENNER. What action did the Communist Party take in the city of Los Angeles to defend the Communist leaders in the city of New York?

Mr. CAPLAN. I am sorry, I didn't hear you.

Mr. TAVENNER. What action did the Communist Party take in the city of Los Angeles to defend the Communists on trial in the city of New York?

Mr. CAPLAN. The same answer.

Mr. TAVENNER. What action did you take?

Mr. CAPLAN. Same answer.

I want to repeat, Mr. Chairman, you ain't getting nothing out of me. When it comes to my union and my rights you're in trouble.

Mr. TAVENNER. Were you a party to the signing of a brief amicus curiae for the defense of the Communists on trial in New York?

Mr. CAPLAN. Same answer.

I would like to offer an alternative suggestion, Mr. Chairman.

Mr. MOULDER. What is it?

Mr. CAPLAN. An alternative suggestion. Congressman Scherer implied that perhaps I would like to hide something. Maybe if everything was said at one time, if he fears the public knowing what the questions were, if he would ask all of his questions and give him one answer, maybe that would be helpful?

I will just sit back and make a note on each question you ask and give you one answer and we can save a few bucks that way.

Mr. MOULDER. Proceed, Mr. Tavenner.

Mr. TAVENNER. I hand you a copy of the December 28, 1951, edition of the Daily People's World, at page 5 of that document, and I call your attention to an article by William Z. Foster, under which greetings are sent to the Daily Worker by a number of people. I see there in one section greetings from Al Caplan, Lou Sherman, and four other people.

Will you examine it, please?

(The witness confers with his counsel.)

Mr. CAPLAN. I will not answer any questions concerning that document. Therefore, I will not answer your question.

Mr. TAVENNER. Were you aware of a plan on the part of the Communist Party in the city of Los Angeles to circulate petitions of the Independent Progressive Party for signatures in order to get the Progressive Party on the ballot?

Mr. CAPLAN. Same answer.

Mr. TAVENNER. I hand you a document marked for identification as "Caplan Exhibit No. 3". It is a photostatic copy of a petition of the Independent Progressive Party of California, at the end of which there is an affidavit showing that it was signed by the individuals whose names appear thereon, and I will ask you whether or not your name appears on line 6.

(Document placed on the witness table.)

Mr. CAPLAN. Same answer.

Mr. MOULDER. The record will show the witness declines to examine Caplan exhibit No. 3 for the reason previously stated.

Mr. TAVENNER. I offer the document in evidence, and ask that it be marked "Caplan Exhibit No. 3."

Mr. MOULDER. The document is so marked and will be admitted in evidence.

(This exhibit is similar to Kalman Bloch exhibit No. 1, page 3957, and will not be reproduced in the printed record. It is on file in the committee's records.)

Mr. TAVENNER. Will you tell the committee, please, whether you have been active in an organization known as the Los Angeles Committee for Protection of Foreign Born?

Mr. CAPLAN. Same answer.

Mr. TAVENNER. Were you on the continuation committee of that organization in 1953?

Mr. CAPLAN. Is the question finished?

Mr. TAVENNER. Yes.

Mr. CAPLAN. Same answer.

Mr. SCHERER. The American Committee for Protection of Foreign Born has been cited as a Communist-front organization, has it not?

Mr. TAVENNER. It has.

Mr. CAPLAN. By the way, Mr. Congressman, may I ask a question based upon these remarks?

Is it the indication again, as I have heard several times, that when constitutional privileges are used in declining to answer—does the Congressman disagree with the Supreme Court's most recent decision that this is an admission of guilt?

Mr. SCHERER. That isn't what the Supreme Court said. I do disagree with the recent Supreme Court decision, but I realize that I must abide by it, and will abide by it until that decision is changed.

Mr. CAPLAN. What is your inference when I decline to answer on this last question?

Mr. TAVENNER. Mr. Chairman, that is entirely unresponsive to any question asked.

Mr. MOULDER. That is argumentative.

Mr. CAPLAN. The unfortunate thing is I am not a lawyer. I can't cope with some of this.

Mr. SCHERER. Let's say this: You don't have to draw any inferences at all, Witness, on your refusal to answer on the grounds of the fifth and other amendments. I draw my inference from the sworn testimony before this committee under oath that you are a member of the Communist Party. That is where I draw my inference. And whether you reinvoked the fifth amendment or not doesn't make any difference.

Mr. CAPLAN. The inference I am concerned with is what the American people think of me, and particularly the members of my union.

Mr. MOULDER. The next question, please.

Mr. TAVENNER. I hand you the July 11, 1950, issue of the Daily People's World, and call your attention to an article relating to the Stockholm peace appeal. I will ask you to tell the committee, after you have examined the article, whether or not you as president of the ILWU, Local 26, participated in the Stockholm peace appeal.

(Document placed on the witness table.)

Mr. CAPLAN. I would like to urge that this committee immediately or possibly tomorrow or Monday come down to the union office. We will discuss what this union does. We will discuss why it does it. And maybe this will help clear up in the minds of the committee some of the questions that the committee is asking.

Mr. MOULDER. Will you examine the document offered by counsel?

Mr. CAPLAN. The same answer.

Mr. MOULDER. The witness declines to examine the document as requested by the committee for the reasons previously stated by him.

Mr. TAVENNER. Are you now a member of the Communist Party?

Mr. CAPLAN. The same answer, my friends.

And I assume you know what I mean by the same answer.

Mr. MOULDER. Yes. The record will show that you are declining to answer that question for the reasons previously stated.

Mr. CAPLAN. I appreciate the chairman keeping the record straight.

Mr. TAVENNER. Have you ever been a member of the Communist Party?

Mr. CAPLAN. Same answer.

Mr. TAVENNER. I have no further questions.

Mr. MOULDER. Questions, Mr. Scherer?

Mr. SCHERER. No questions.

Mr. MOULDER. The witness is excused.

You may claim your witness fees with the deputy clerk.

Mr. CAPLAN. May I make a contribution of that fee to anybody I want to?

Mr. TAVENNER. Mr. Chairman, this witness has been insolent to the point where I think he should be ejected from the hearing room, and I suggest it.

Mr. MOULDER. Very well.

Mr. CAPLAN. I am asked by the committee to leave the hearing room?

Mr. MOULDER. The witness is excused. And you may claim your witness fees with the deputy clerk.

Call the next witness.

Mr. CAPLAN. One question.

How do I sign it? What name?

Mr. MOULDER. Would you call the next witness, please?

Mr. TAVENNER. Mr. John T. McTernan.

Mr. MOULDER. Will you hold up your right hand and be sworn, please?

Do you solemnly swear that the testimony which you are about to give will be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. McTernan. I do.

TESTIMONY OF JOHN T. McTERNAN, ACCOMPANIED BY COUNSEL, GRANT B. COOPER

Mr. TAVENNER. What is your name, please, sir?

Mr. McTernan. My name is John T. McTernan. I live in Los Angeles.

Mr. TAVENNER. Will you spell your last name, please, sir?

Mr. McTernan. M-c-T-e-r-n-a-n.

Mr. TAVENNER. It is noted that you are accompanied by counsel. Will counsel please identify himself for the record.

Mr. COOPER. Grant B. Cooper.

Mr. TAVENNER. Attorney, of Los Angeles?

Mr. COOPER. That is correct.

Mr. TAVENNER. When and where were you born, Mr. McTernan?

Mr. McTERNAN. I was born in White Plains, N. Y., November 25, 1910.

Mr. TAVENNER. Do you now reside in the city of Los Angeles?

Mr. McTERNAN. I do.

Mr. TAVENNER. How long have you been a resident of the State of California?

Mr. McTERNAN. Well, since some time in late 1937 or early 1938. I am not quite sure.

Mr. TAVENNER. Have you lived in California continuously since that time?

Mr. McTERNAN. Yes.

Mr. TAVENNER. What is your profession?

Mr. McTERNAN. I am an attorney at law, licensed to practice in the State of New York and California.

Mr. TAVENNER. When did you begin the practice of law in the State of California?

Mr. McTERNAN. You mean when was I admitted to practice in California?

Mr. TAVENNER. Or when did you begin?

Mr. McTERNAN. There is a slight difference.

I was admitted to practice in California in the year 1942. I began working as a lawyer here in 1937 when I was with the United States Government. And that is considered active and substantial practice of the law by the State bar.

Mr. TAVENNER. Will you tell the committee, please, what your formal educational training has been?

Mr. McTERNAN. I am a graduate of White Plains Public High School, in the year 1927; Amherst College, A-m-h-e-r-s-t, 1931; and Columbia Law School, in 1934. I hold the degrees of A. B. at Amherst, and LL. B. at Columbia.

Mr. TAVENNER. What was your first employment by the United States Government?

Mr. McTERNAN. My first employment by the United States Government was with the United States Shipping Board Merchant Fleet Corporation in October of 1934.

Mr. TAVENNER. Will you bring it up to date from that time.

Mr. McTERNAN. During much of the period I was with the Shipping Board Bureau I was on loan to the Solicitor's Office of the Department of Commerce. When the Merchant Marine Act of 1936 was passed and the United States Maritime Commission was created I was transferred, by operation of law, to that body where I was employed as a lawyer. And some time in 1937—I think it was May or June—I transferred to the National Labor Relations Board where I served until early 1942, at which time I transferred to the Office of Price Administration where I served until September of 1943.

Do you want my capacities in these various agencies?

Mr. TAVENNER. On what date did you leave the NLRB?

Mr. McTERNAN. I don't remember the exact date, Mr. Tavenner, but it was early in the year 1942.

Mr. TAVENNER. What employment followed that?

Mr. McTERNAN. For the Office of Price Administration, regional enforcement attorney.

Mr. TAVENNER. Where were you employed when you were working for the United States Shipping Board?

Mr. McTERNAN. Geographically where was I employed?

Mr. TAVENNER. Yes.

Mr. McTERNAN. In Washington, D. C.

Mr. TAVENNER. When you were employed by the National Labor Relations Board where were you stationed?

Mr. McTERNAN. I was officially assigned to Washington for a period of time, and on travel status much of that time.

Some time in 1938, early 1938, I was made regional attorney in San Francisco for the 20th region of the NLRB. And I served in that capacity until I left the NLRB.

Mr. TAVENNER. Then you were in the city of Washington for a very short period of time in 1937 when you first became an employee of the National Labor Relations Board?

Mr. McTERNAN. Following my transfer to the NLRB I think I was physically in Washington 2 days, until I was sent out to Detroit on a case against the Ford Motor Co. But I was officially stationed in Washington for many months but on travel status in various parts of the country.

Mr. TAVENNER. Did you spend, after your appointment at the National Labor Relations Board, any period of a month or more at one time in the city of Washington?

Mr. McTERNAN. I guess I did. My best recollection is that I did.

I was called back to Washington pretty regularly on official business, and they kept me there various periods of time. It is difficult to recollect precisely when or how long.

Mr. TAVENNER. During that period of time were you aware of the existence of an organized group of the Communist Party made up of employees on the legal staff of the National Labor Relations Board in the city of Washington?

Mr. McTERNAN. This question is probably designed to identify me with the Communist Party or with Communist beliefs, and, for that reason, I would like to state my position on that point by way of stating my grounds for not answering the question.

Mr. TAVENNER. You mean your grounds for refusal to answer?

Mr. McTERNAN. That is right.

(The witness confers with his counsel.)

Mr. McTERNAN. My grounds for refusing to answer this question, are these:

Any question designed to elicit my views or my associations is essentially an act of censorship on the part of the Government.

And the Government has no power to engage in that function because that power was not delegated to it by the people when the Constitution was adopted.

A negation of such delegation is enshrined in the 9th and 10th amendments of the Constitution of the United States.

Such a question posed by an agency of Government is abridgement of my freedom to think as I please and to belong to what I please, and, therefore, contravenes the first amendment of the Constitution of the United States.

Such censorship, particularly as applied to lawyers who are oath bound to represent unpopular causes and unpopular clients, is es-

sententially an intimidation of abandonment of pursuit of their calling, an interference with the judicial function, and I decline to answer on that ground.

And, finally, I decline to answer on the ground that I exercise my privilege not to be a witness against myself, and, in doing so, I assure you and the committee that I have no sense of wrongdoing whatsoever.

Mr. TAVENNER. Did you make application for position of chief enforcement attorney at the San Francisco office?

Mr. McTERNAN. I think you have the title wrong. I think it was regional enforcement attorney. The region covered the entire west coast.

Mr. TAVENNER. Let me show you a photostatic copy which has the very language that I mentioned on it. If the title is wrong and you have an explanation for it, please explain it.

(Document handed to the witness.)

Mr. TAVENNER. Do you see the title of the office?

Mr. McTERNAN. I see the document, yes.

Mr. TAVENNER. What does it state?

Mr. McTERNAN. It starts out:

United States Civil Service Commission, Washington, D. C.

Mr. COOPER. The title.

Mr. TAVENNER. I think you know I am speaking of the position for which you applied.

Mr. McTERNAN. I am not going to answer any questions and assume in them, Mr. Tavenner, this is my document. If you want to know what this document says on its face, item 1, it says:

Chief enforcement attorney, San Francisco regional office.

Mr. TAVENNER. That is what it says.

Will you look at the end of the document and see what it says as to the name of the person whose application it is?

Mr. McTERNAN. I see it.

Mr. TAVENNER. What is the name?

Mr. McTERNAN. Mr. Tavenner, the document speaks for itself. I am not going to read the document.

Mr. TAVENNER. Is it your application for employment?

Mr. McTERNAN. That I refuse to answer on all the grounds I have previously stated.

Mr. TAVENNER. Will you examine the document and state whose name appears on the bottom of it?

Mr. McTERNAN. I will not read the document for you. I am not subpoenaed here for that purpose.

Mr. TAVENNER. May I ask a direction that the witness answer the question?

Mr. MOULDER. The witness is directed to answer.

Mr. McTERNAN. Mr. Chairman, I have looked at the document, and I decline to read it because the function of a witness does not include reading documents at the behest of anybody.

Mr. MOULDER. You decline?

Mr. McTERNAN. What I mean is reading out loud for the record what is in it. I have looked at it and read it.

Mr. MOULDER. You decline to read the document for the reasons previously stated. Is that correct?

Mr. McTERNAN. That is correct.

Mr. TAVENNER. Is it your application for employment?

Mr. McTERNAN. I refuse to answer on the same grounds.

Mr. TAVENNER. What grounds?

Mr. McTERNAN. Counsel, do you want me to recite them all?

Mr. TAVENNER. You mean on the grounds you just meant for refusal to answer the last question? Or the constitutional grounds you formerly assigned?

Mr. McTERNAN. My constitutional grounds formerly assigned.

Mr. TAVENNER. I desire to offer the document in evidence marked "McTernan Exhibit No. 1," for identification purposes, and to be retained in the committee's files.

Mr. MOULDER. So ordered.

Mr. TAVENNER. Mr. Chairman, this is an application for appointment to the position of chief enforcement attorney, San Francisco Regional Office. It states that the date of birth is November 25, 1910; the place of birth, White Plains, N. Y.; that the individual making this application holds an A. B. degree at Amherst College, and an LL. B. from Columbia Law School. It is signed John T. McTernan.

I read an oath at the bottom:

Subscribed and duly sworn to before me according to law by the above-named applicant, the 16th day of January, 1942.

The signature of the officer is Marion N. Bender.

Now I desire to read question 15 of this application:

Are you a member of any Communist or German Bund organization or any political party or organization which advocates the overthrow of our constitutional form of government in the United States, or do you have membership in or any affiliation with any group, association, or organization which advocates, or lends support to any organization or movement advocating, the overthrow of our constitutional form of government in the United States?

The answer filled in to that question is "No."

Will you examine the exhibit, again, please, and state whether you gave the answer "No" to the question I read, question 15?

(Document handed to the witness.)

Mr. McTERNAN. Mr. Chairman, this is just a way of backing into the same question I refused to answer before. And I refuse to answer on the same grounds.

Mr. TAVENNER. Was the statement appearing on this affidavit true or false on the 16th day of January 1942, with regard to your former membership in the Communist Party?

(The witness confers with his counsel.)

Mr. McTERNAN. The same question; the same answer.

Mr. TAVENNER. Were you a member of the Communist Party at the time you executed it on the 16th day of January 1942?

Mr. McTERNAN. The same answer.

Mr. TAVENNER. Mr. McTernan, a witness appeared before the Committee on Un-American Activities on the 23d day of January 1952, by the name of David Aaron, A-a-r-o-n.

Are you acquainted with Mr. Aaron?

(The witness confers with his counsel.)

Mr. McTERNAN. Since I am acquainted with that transcript, I will take the same position as to that question as I have the others.

Mr. SCHERER. You mean you are refusing to answer the question for the reasons assigned?

Mr. McTERNAN. That is correct, Congressman.

Mr. TAVENNER. Was Mr. Aaron an employee of the National Labor Relations Board at any time during the period of your connection with it?

Mr. McTERNAN. Well, I think I will take the consistent and legal position, Mr. Tavenner, and refuse to answer on the same grounds.

Mr. TAVENNER. During the course of his testimony I asked Mr. Aaron this question:

After you severed your connection with the Government position and accepted the invitation to join the party—

meaning the Communist Party—

tell us just what occurred, how you were assigned to a group and any other information you have.

Mr. AARON. I wasn't assigned to any group. I just came up to this house, and there was a considerable group of people there, and I was told that I had already been accepted and that I was in.

Mr. TAVENNER. Who was it that directed you to come to that particular meeting?

Mr. AARON. Mr. McTERNAN.

Mr. SCHERER. Is that testimony true or false, Witness?

Mr. McTERNAN. Is there a question I am called on to answer?

Mr. SCHERER. Yes.

Mr. McTERNAN. The change in characters confuse me.

I take the same position on it, and refuse to answer.

Mr. TAVENNER. I asked this further question of Mr. Aaron:

To be absolutely definite about it, so there will be no misunderstanding, I would like you to give us the names of all those whom you can remember were members of this group—

the group that we were speaking of was a Communist Party group—composed exclusively of lawyers.

Mr. Aaron's reply:

That is quite an order.

Mr. TAVENNER. Yes.

Mr. WOOD—

who was chairman of the committee—

Do you want him to repeat the names he has already given or those he hasn't identified?

Mr. TAVENNER. Yes, sir; I think so.

You have already mentioned the name of John McTERNAN as a member.

Mr. AARON. Yes.

Were you a member of the group of the Communist Party in the city of Los Angeles composed exclusively of members of the legal profession, Mr. McTERNAN?

Mr. McTERNAN. Same answer.

Mr. TAVENNER. I asked this further question of Mr. Aaron:

There is one other question I would like to ask you.

Do you recall the names of those three or four who paid the \$20 a month? Can you name any of the group that paid that much?

Speaking of Communist Party dues.

Mr. Aaron's reply:

Margolis, McTERNAN, George Altman, and I think that is all.

Did you pay as much as \$20 a month in dues to the Communist Party, Mr. McTERNAN?

(The witness confers with his counsel.)

Mr. McTERNAN. The same answer to that.

Mr. TAVENNER. Are you acquainted with Mr. A. Marburg Yerkes?

Mr. SCHERER. Are you finished reading the testimony of Mr. Aaron?

Mr. TAVENNER. Yes.

Mr. SCHERER. Witness, I want to ask you whether or not any of the testimony that was read to you, which was given by Mr. Aaron to this committee under oath, was false so far as it applied to you.

Mr. McTERNAN. The same answer.

Mr. TAVENNER. Are you acquainted with Mr. A. Marburg Yerkes, an attorney?

Mr. McTERNAN. Are you referring to an A. Marburg Yerkes who testified before this committee in 1952?

Mr. TAVENNER. Yes, sir, on January 24, 1952.

Mr. McTERNAN. Same answer.

Mr. TAVENNER. This question was asked of Mr. Yerkes when he testified before this committee:

Mr. Yerkes, you have, in the course of your testimony, mentioned a number of lawyers in Los Angeles who were known to you to be members of the Communist Party. I want to check your testimony and I want you to state again whether or not each was known to you to be a member of the Communist Party: Mr. John McTernan.

Mr. YERKES. Yes, sir.

Mr. McTERNAN. He didn't say John McTernan?

Same answer.

Mr. TAVENNER. He didn't say what?

Mr. McTERNAN. I was just trying to be jocular. Excuse me.

Mr. TAVENNER. Were you acquainted with Mr. William G. Israel?

Mr. McTERNAN. Are you referring to the William G. Israel who is carried in your transcript as a witness before this committee in 1952?

Mr. TAVENNER. Yes, I am speaking of the gentleman who testified before the committee on January 25, 1952, regarding his own former Communist Party activities.

Mr. McTERNAN. Excuse me. I didn't mean to interrupt.

The same answer, Mr. Tavenner.

Mr. TAVENNER. Mr. Israel testified before the committee about his membership in the National Lawyers Guild. He stated:

I joined the guild immediately upon being admitted to the bar in California. Then my question was:

How long was it after you joined the guild before you were invited by Mr. McTernan to become a member of the party?

Mr. Israel says:

I can't remember that. It was a very short period, probably 2 or 3 weeks.

Prior to that Mr. Israel had testified that he was admitted to the bar on January 9, 1947, and opened offices in Los Angeles, and within 2 weeks he was approached by 2 attorneys and asked to rejoin the Communist Party. He had been a member at another place before coming here.

I asked him:

Do you recall the names of those two attorneys?

Mr. ISRAEL. I recall one. I cannot recall the other. John McTernan was one. I cannot recall who the other was.

Did you solicit the membership of Mr. Israel in the Communist Party?

Mr. McTERNAN. The same answer. And I want to add an additional ground, that this committee is not a grand jury or trial body before whom citizens can be summoned to answer accusations of other people. And, therefore, the committee has no competence to ask the question.

Mr. TAVENNER. Are you acquainted with Milton Tyre?

Mr. McTERNAN. Are you reading from the same transcript, Mr. Tavenner? I just want to get the side.

Mr. TAVENNER. Yes.

Mr. McTERNAN. Same answer.

Is that T-y-r-e?

Mr. TAVENNER. Yes, T-y-r-e.

Mr. McTERNAN. Same answer.

Mr. TAVENNER. In a sworn affidavit which he gave and submitted to the committee he identified you as a member of the Communist Party. Do you wish to confirm or deny his statement?

Mr. McTERNAN. Same answer on all grounds, including the last one.

Mr. TAVENNER. It was the testimony of at least 3 of those 4 lawyers I have mentioned, that this group of the Communist Party of which they had been members in the city of Los Angeles had endeavored to control the National Lawyers Guild chapter in the city of Los Angeles. Do you have any knowledge of Communist Party efforts to control that organization?

Mr. McTERNAN. Same answer on all the grounds.

Mr. TAVENNER. Will you tell the committee, please, whether you were a member of the Communist Party prior to your first employment with the Government?

Mr. McTERNAN. The same answer.

Mr. TAVENNER. Have you been a member of the Communist Party at any time since you left Government employment?

Mr. McTERNAN. Mr. Tavenner, no matter how many times you vary the question, the same answer.

Mr. TAVENNER. Are you now a member of the Communist Party?

Mr. McTERNAN. The same answer.

Mr. TAVENNER. I have no further questions.

Mr. MOULDER. Any questions, Mr. Scherer?

Mr. SCHERER. No questions.

Mr. MOULDER. The witness is excused.

On the conclusion of the hearings of this subcommittee of the House Committee on Un-American Activities the Chair now desires to sum up, in brief, a few observations and conclusions—

Mr. SCHERER. May I suggest that we wait until those who want to leave have had the opportunity to do so?

Mr. MOULDER. Very well.

As I have stated, on the conclusion of the hearings of the subcommittee of the House Committee on Un-American Activities, the Chair desires to sum up, in brief, a few observations and conclusions unanimously agreed upon by the members of the subcommittee, and bearing on testimony received from the witnesses heard this week who have seen it as their duty to disclose to the subcommittee the facts of their experiences and activities within the Communist Party.

On the opening day of the hearings it was announced by the Chair that the subcommittee intended to inquire into several aspects of alleged Communist activity in the Los Angeles area, with particular reference to the part played by the so-called musicians branch of the Communist Party and the extent, if any, of the efforts put forth by members of the Communist Party to qualify the Independent Progressive Party for the 1948 elections. In addition, the committee proposed to call, and, in fact, did call other witnesses in the field of labor and government to explain alleged activities of their own in those areas of American life.

Efforts by the committee to inquire into these matters were frustrated by the refusal of leaders of Local 26, ILWU, to answer any questions related to their alleged Communist Party membership. The same was true of witnesses believed to possess considerable information on Communist activity in the Federal Government.

The committee expresses its appreciation to the witnesses who co-operated with the Government by relating frankly and fully their own associations and activities while members of the Communist Party. Their valuable contributions should be acknowledged by their friends and associates as it is by the Congress of the United States.

The fact of the existence of the so-called musicians branch or branch O of the Communist Party has been clearly established, as has the fact that members of that branch, together with other members of the Communist Party, made a determined, concealed, and deceitful effort to qualify the Independent Progressive Party on the California ballot.

The testimony received this week here in Los Angeles by the subcommittee bears out and confirms other and abundant testimony taken by the committee in other cities throughout the United States that the Progressive Party movement was, in its inception, a creature of the Communist conspiracy, and that its actions were, in major part, secretly controlled and directed by the Communist Party of the United States. Future and continuing investigation will disclose to what extent these findings are true at the present time.

The charge leveled by critics of the House Un-American Activities Committee that the present hearings were designed and timed to interfere with and contribute confusion to a current labor dispute among musicians in the Los Angeles area has in no manner been substantiated. To the contrary, the only implication involving the internal affairs of any union has been injected into the hearing in statements made by witnesses invoking the provisions of the Constitution against possible self-incrimination.

It might be added that, in spite of the oft-repeated profession by these witnesses of their deep devotion to the Constitution of the United States and the Bill of Rights, none saw fit to denounce the Soviet system of slave labor which makes mockery of free men.

In the opinion of the subcommittee members, the Communist efforts to mobilize musicians within the framework of the Communist Party cannot be separated from the overall drive made by the Communist Party some years ago to capture control and direction of every union and guild within the moving-picture industry. The failure of the Communist Party in this effort can be credited in large part to constant vigilance of thousands of loyal Americans within the industry,

including the overwhelming majority of southern California musicians.

During the course of the hearings the name of the Los Angeles Philharmonic Orchestra was brought into the hearings. The committee wishes to stress its great admiration for the philharmonic orchestra and the work that it is doing to further and expand the cultural life of this community. Under the auspices of the Department of State, the Los Angeles Philharmonic Orchestra is about to embark for the Far East on a concert tour, and the best wishes of the subcommittee members are extended to the orchestra members, its conductor, and the board of directors.

The weeklong testimony taken by the subcommittee was highlighted on Tuesday by the testimony of Nikolai Khokhlov, a former Soviet intelligence officer, whose delineation of life for any creative artist under the Soviet system should be read with interest and concern by every free American, particularly those whose life is the untrammelled expression of his art. It is the intention of the subcommittee to recommend to the Congress that the Khokhlov testimony, translated into German and Russian, be printed in quantities far in excess of usual requirements. It is hoped that many thousands of the translated texts will eventually come into the possession of men and women now held in the grip of Communist terror, carrying an American message of understanding and sympathy to those behind the Iron Curtain. If no other witness had appeared during the weeklong hearings, it is our opinion that the Khokhlov testimony would have warranted the expenditure involved.

The committee wishes to acknowledge, with thanks, the telegraphic expressions of Cecil Read and Mr. John Te Groen, leaders of the disputant factions in the controversy heretofore referred to; to the many persons who have communicated with the committee their expressions of support and encouragement; to the press, radio, and television representatives who have covered the hearings; to the witnesses who have deemed it a duty as American citizens to communicate facts in their possession to the committee; to the staff of the committee for their careful and exacting preparation for the hearings, with particular reference to the work performed by committee counsel, Mr. Tavenner, and committee investigators, Wheeler and Owens.

The committee also wishes to acknowledge its appreciation for the many services and courtesies accorded the committee by United States Marshal Robert W. Ware and the deputy United States marshals who have been in attendance here in the room during the week; to Chief of Police William Parker and the Los Angeles Police Department; to District Attorney Ernest Roll and his office; to Mr. Edmond Stillwell, manager of Federal properties in Los Angeles, and to his able custodial and maintenance staff. Mr. Jack Campbell, superintendent of the Federal Building, has been most cooperative in every respect and the committee expresses its appreciation. Sheriff Eugene W. Biscailuz and his deputies have cooperated in every respect, for which help and assistance the committee is grateful.

In continuing vigilance lies the safety and the security of 165 million Americans of divergent races, creeds, colors, and political persuasion. It is to the concept of a free America that the House of Representatives

has pledged the efforts of its Committee on Un-American Activities. In spite of the complaints of those who would destroy the right of the Congress to investigate the activities of those whose allegiance is dedicated to other and foreign philosophies, it will be the continuing goal of this committee to seek out the cancer of alien-directed conspiracies and to cut it out without infringing upon the sound tissue of America's free institutions.

Thank you.

The committee will be adjourned.

(Whereupon, at 4:57 o'clock p. m. Saturday, April 21, 1956, the committee was adjourned subject to the call of the Chair, there being present Representatives Moulder and Scherer.)

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